



Director of Governance and  
Solicitor to the Council

Glasgow City Council  
City Chambers  
George Square  
Glasgow G2 1DU  
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Hand Deliveries to:  
40 John Street  
Glasgow G1 1JL

Our Ref: FOI 6570528

Your Ref: [REDACTED]

1 May 2018



By email: [REDACTED]

Dear Sir / Madam,

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

I refer to your letter dated 29 March 2018 which I am treating as a formal request for review of Glasgow City Council's ("the Council") failure to respond to your initial request for information dated 15 February 2018.

On behalf of the Council, I apologise that you did not receive a response to your initial request for information. You should have received a response within the 20 working day timescales set out in the legislation and I apologise that on this occasion you did not.

### **YOUR REQUEST**

As per your letter of 15 February 2018, copy attached.

### **THE REVIEW DECISION**

I can confirm that the Council is treating your request for this information under the Freedom of Information (Scotland) Act 2002 and a partial response has been provided below. There are a number of questions for which a separate response will be issued. The information you have requested is from the date of purchase of each of the care homes. This information may be held in various historical systems, archived or no longer available, however, we are conducting a detailed search to ensure we can capture as much data as possible in response to your request. Meanwhile, we can provide the following information:

1. ***The total number of care homes in Scotland currently owned by the Council a today's data (15 February)***

**Response:** Glasgow City Council owns and operates 8 care homes for older people. The Council does not:

- operate care homes which are not owned by the Council
- own care homes that are operated by a third party on behalf of the Council
- have care homes held under lease and/or any other tenancy right by the Council

2. ***Please provide a note of the following details in relation to each care home in Scotland currently owned by the Council:***

- a. ***Name of each care home (if applicable);***
- b. ***Full postal address of each care home;***
- c. ***Confirmation as to whether the Council operates each care home or whether any care home are operated by third party for and on behalf of the Council, and if the latter the full name and postal address of the third party(ies) and***
- d. ***The total period of ownership by the Council of each care home, such period of time to be specified in year's and months.***

**Response:** The information you have requested is, in our opinion, exempt from a request under section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 25(1) of the Act. In other words, the information you are looking for is "reasonably accessible" to you without having to make a formal section 1 request.

This information is available from <http://www.careinspectorate.com/index.php/care-services>

To assist you in your search we can confirm the eight care homes are:

- Riverside Care Home
- Davislea Home for the Elderly
- Crossmyloof Resource Centre
- Orchard Grove Residential Care Home
- Rannoch House
- Forfar Avenue Care Home
- Hawthorn House Residential Care Home
- Drumry House

3. ***The total costs incurred by, and for and on behalf of, the Council (such costs to be calculated from the beginning of ownership by the Council of each care home to today's date (15 February) associated with the following (such total costs to be broken-down and provided to us on a per care home basis):***

- a. ***Purchasing each of the care homes identified in number 1 and 2 above;***
- b. ***Constructing and / or building (if applicable) each of the care homes identified in number 1 and 2 above;***
- c. ***Redeveloping or otherwise renovating (this includes any small-scale redevelopment or renovation projects) each of the care homes identified in numbers 1 and 2 above; and***
- d. ***Purchasing land or assumed value of land owned by the Council and on which each care home identified in numbers 1 and 2 above is situated.***

**Response: a and b:**

On inspecting our records, it would appear that compliance with this request would cost the Council more than the upper limit allowed by section 12(1) of the Act and the fees regulations made under the Act (this limit is currently £600) based on the figures provided below. Accordingly we are unable to comply with your request.

This figure has been calculated in accordance with the Fees Regulations made under the Freedom of Information (Scotland) Act. This includes the costs which would be incurred in locating and retrieving the information, photocopying, postage and staff time. The staff time charged reflects the true pay scale of the member(s) of staff who would be involved capped at a ceiling of £15/hour per member of staff.

The costs in this case have been calculated as follows:

To seek, locate and provide the information requested in relation to eight care homes will take an officer approximately 7 hours per care home. The time is an estimate with consideration that much of the information is historical over an unknown period; embedded in minutes or other documents or may have been discarded in line with the Council's Records Management Procedures:

<https://www.glasgow.gov.uk/index.aspx?articleid=21280>

The cost has been calculated as:

**Staff time:** £15.00 x 7 hours x 8 homes = £840

The Council has the option of complying with requests where the costs exceed £600. However, on this occasion we have decided not to due to the resources (both financial and human) which voluntary compliance with this request would divert away from our core business.

**Response: c and d:**

information in questions 3 falls under the ambit of the Environmental Information (Scotland) Regulations 2004 (the "EIRs") and is therefore exempt from the scope of a request under the Freedom of Information (Scotland) Act 2002 ("the 2002 Act") because of the exemption contained in section 39(2) thereof. This provides that information may be treated as exempt from the scope a request under the 2002 Act where the information comprises "environmental information", as defined in the EIRs, and disclosure of such information is accordingly more appropriately considered under the specific regulatory regime provided for such information which is set out in the EIRs.

Further, the Council is of the opinion that the public interest in considering your request for environmental information in accordance with the terms of the EIRs outweighs the public interest in disclosure of such information under the terms of the 2002 Act.

"Environmental information" is defined in Regulation 2(1) of the Regulations and includes measures (including administrative measures), such as policies, legislation, plans, programs, environmental agreements, and activities affecting or likely to affect the elements of the environment such as air and atmosphere, water, soil, land, landscape

and factors of the environment such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment.

Prior to releasing the information, Regulation 8 of the Regulations allows Glasgow City Council to charge a fee. This fee is detailed below. Once the fee is received we will comply with your enquiry within 20 working days or less, except to the extent that any material is exempt. If we do not receive payment within 60 working days your request will be treated as withdrawn.

There is no upper or lower fee limit in the Environmental Information (Scotland) Regulations 2004. The legislation states that the fees should not exceed a reasonable amount and must not exceed the actual costs of producing the information requested.

Staff time:            Grade 8  
                              £35.74 per hour x 4 hours in total        =        142.96

#### Method of Payment

Please send payment by cheque or postal order, made payable to "Glasgow City Council", to:

**Glasgow City Council  
Chief Executive's Department  
Discovery Legislation Team  
City Chambers East, Room 3.13  
40 John Street, GLASGOW G1 1JE.**

Please do not send cash through the post. **With all future correspondence, please quote our reference FOI 6570528.**

For other payment methods, please contact us directly at [FOI\\_CEDReviews@glasgow.gov.uk](mailto:FOI_CEDReviews@glasgow.gov.uk)

If we do not receive payment within 60 working days your request will be treated as withdrawn.

4. ***The total amount(s) borrowed by the Council under any loan(s) and / or other financial borrowing(s) in connection with any costs specified in number 3 above (such total amount(s) to be broken down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided to us on a per care home basis).***

**Response:** Information to be provided in a separate response

5. ***The total number of care homes in Scotland currently owned by the Council in relation to which the Council intends to, and / or has plans to, dispose ownership in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following details:***
- a. Name of each care home (if applicable);***
  - b. Full postal address of each care home; and***
  - c. The full name and address of the person and / or entity intending to purchase or otherwise gain ownership and / or title of each care home.***

**Response:** Information to be provided in a separate response

6. ***The total number of care homes in Scotland currently held under lease and / or other tenancy right by the Council at today's date (15 February).***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. Therefore this information would be exempt under Section 17 of the Act. Accordingly we are unable to comply with your request.

7. ***Please provide a note of the following details in relation to each care home in Scotland currently held under lease and / or other tenancy right by the Council.***
- a. ***Name of each care home (if applicable);***
  - b. ***Full postal address of each care home;***
  - c. ***Confirmation as to whether the Council operates each care home or whether any care homes are operated by a third party for and on behalf of the Council; and if the latter, the full name and postal address of any such third party(ies); and***
  - d. ***The landlord of each care home, and where the Council is a sub-let, any head-tenant(s) of each care home.***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. Therefore this information would be exempt under Section 17 of the Act. Accordingly we are unable to comply with your request.

8. ***The total costs incurred by, and for and on behalf of, the Council (such costs to be calculated from the beginning of the lease and / or other tenancy by the Council of each care home to today's date (15 February); associated with the following (such total costs to be broken down and provided to us on a per care home basis):***
- a. ***Constructing and / or building (if applicable) each of the care homes identified in numbers 6 and 7 above;***
  - b. ***Redeveloping or otherwise renovating (this include any small scale redevelopment or renovation projects) each of the care homes identified in numbers 6 and 7 above.***
  - c. ***Purchasing land or assumed value of land owned by the Council (if applicable) and on which each care home identified in numbers 6 and 7 above is situated.***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. Therefore this information would be exempt under Section 17 of the Act. Accordingly we are unable to comply with your request.

9. ***The total amount(s) borrowed by the Council under any loan(s) and / or other financial borrowing(s) in connection with any costs specified in number 8 (such total amount(s) to be broken down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided on a per care home basis).***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. Therefore this information would be exempt under Section 17 of the Act. Accordingly we are unable to comply with your request.

10. ***The total number of care homes in Scotland currently held under lease and / or other tenancy right by the Council which the Council intends to, and / or has plans to cease (whether by natural expiry or early termination) the lease and / or other tenancy right, in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please note the following details:***
- a. Name of each care home (if applicable) and***
  - b. Full postal address of each care home.***

**Response:** On inspecting our records, it would appear that Glasgow City Council does not hold the information which you have requested. Neither does anyone else hold it on our behalf. Therefore this information would be exempt under Section 17 of the Act. Accordingly we are unable to comply with your request.

11. ***The total number of care homes in Scotland currently operated by the Council at today's date (15 February).***

**Response:** The information which you have requested is, in our opinion, exempt from a request under section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 25(1) of the Act. In other words, the information you are looking for is "reasonably accessible" to you without having to make a formal section 1 request.

This information is available  
from <http://www.careinspectorate.com/index.php/care-services>

12. ***Please provide a note of the following details in relation to each care home in Scotland currently operated by the Council;***
- a. Name of each care home (if applicable)***
  - b. Full postal address of each care home; and***
  - c. The total period of operation by the Council for each care home, such period of time to be specified in years and months.***

**Response:** Glasgow City Council owns and operates eight care homes. The details have been provided in response to question 2.

13. ***The total costs incurred by, and, for on behalf of the Council (such costs to be calculated from the beginning of operation by the Council of each care home to today's date (15 February) associated with the following (such total costs to be broken down and provided to us on a per care home basis):***
- a. Constructing and / or building (if applicable) each of the care homes identified in number 11 and 12 above;***
  - b. Redeveloping or otherwise renovating (this includes any small scale redevelopment or renovation projects) each of the care homes identified in numbers 11 and 12 above; and***

- c. ***Purchasing land or assumed value of land owned by the Council (if applicable) and on which each care home identified in numbers 11 and 12 above is situated.***

**Response:** Please refer to the response provided to question 3b, c and d.

14. ***The total amount(s) borrowed by the Council under any loan(s) and / or other financial borrowing(s) in connection with any costs specified in number 13 (such total amount(s) to be broken down and provided to us on a per care home basis), including details of the any outstanding amount(s) borrowed (such total amount(s) to be broken down and provided on a per care home basis).***

**Response:** Information to be provided in a separate response

15. ***The total number of care homes in Scotland currently operated by the Council at today's date (15 February) which the Council intends to, and / or has plans to, transfer or cease operation in the upcoming financial year (from 1 April 2018). For each of the aforesaid care homes please provide a note of the following:***
- a. ***Name of each care home (if applicable)***
  - b. ***Full postal address of each care home; and***
  - c. ***Where applicable, the full name and address of the person and / or entity intending to assume operation of each care home.***

**Response:** Information to be provided in a separate response

16. ***The total weekly costs and expenses per resident for each care home identified in number 1, 2, 6, 7, 11 and 12 above (such total costs to be broken down and provide to us on a per care home basis) as incurred by and on behalf of the Council, associated with maintaining and operating each care home identified in numbers 1, 2, 6, 7, 11 and 12 above, including but not limited to:***
- a. ***Central administration costs and***
  - b. ***Any building, property and land maintenance costs***

**Response:** Information to be provided in a separate response

17. ***The average yearly salary (prior to deduction of any tax contributions, national insurance contributions, student loan repayment or any other payroll deduction) and average yearly pension contribution, average yearly sick pay, and average yearly annual leave entitlement for:***
- a. ***each manager at each care home identified in numbers 1, 2, 6, 7, 11 and 12 above (if there is more than one manager, please provide these details):***
  - b. ***each assistant manager at each care home identified in numbers 1, 2, 6, 7, 11 and 12 above (if there is more than one manager, please provide these details):***
  - c. ***each deputy manager at each care home identified in numbers 1, 2, 6, 7, 11 and 12 above (if there is more than one manager, please provide these details):***

***If the care homes differentiate at a managerial level between clinical and non-clinical that please provide details.***

**Response:** The table provided outlines the management details of the 8 care homes for older people which are owned and operated by Glasgow City Council.

CARE HOME	MANAGEMENT STUCTURE
Riverside Care Home	2 Operational Managers
Davislea Home for the Elderly	1 Operational Manager
Crossmyloof Resource Centre	1 Operational Manager
Orchard Grove Residential Care Home	2 Operational Managers
Rannoch House	1 Operational Manager
Forfar Avenue Care Home	1 Operational Manager
Hawthorn House Residential Care Home	2 Operational Managers
Drumry House	1 Operational Manager

There are no Assistant Managers or Depute Managers in the care homes operated by the Council as of 15 February 2018.

Operational Managers are on a Grade 8 salary scale of [REDACTED].

All full time employees of Glasgow City Council are entitled to 28 days of annual leave per year.

In relation to your request for the average yearly pension contribution and average yearly sick pay, it is the Council's opinion that this information is exempt from a request under Section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in section 38(1)(b) of the Act.

In other words, in our opinion the disclosure of this information would involve disclosing personal data as defined in the Data Protection Act 1998 (as amended), and that such disclosure would breach the Data Protection Principles contained in Schedule 1, Part 1 of the Act. We consider releasing this information would be unfair to the members of staff in question and that disclosure would therefore breach the first data protection principle. We are therefore unable to comply with your request.

18. ***Please provide details of any care homes in Scotland that the Council currently has plans to buy and / or develop / build in the future, including:***
- a. The location of each of the aforesaid care home; and***
  - b. The total expected and budget costs for the Council of each of the aforesaid care homes (such total costs to be broken down and provided to us on a per care home basis).***

**Response:** Information to be provided in a separate response

If you require further clarification with regard to the partial response provided above, please e-mail me at [FOIreviews@glasgow.gov.uk](mailto:FOIreviews@glasgow.gov.uk) and I will ensure that the matter is reviewed.

The response to questions 4, 5, 14, 15, 16 and 18 will be provided as soon as we have been able to access the data.

I apologise for the delay in this matter which is partially due to the transfer of the Council data management systems over the last two decades during which time the purchasing cost and historical financial information will be held in historical records or systems and this has presented some difficulty in terms of location and access.



## RIGHT OF APPEAL

I hope you are satisfied with this response. However, if you are not you have the right to make an application within six months of receipt of this letter for a decision by the Scottish Information Commissioner.

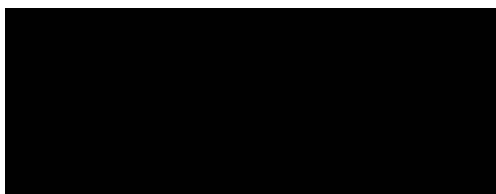
The Scottish Information Commissioner can be contacted as follows:

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)

Thereafter a decision by Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

Yours sincerely



DIRECTOR OF GOVERNANCE AND SOLICITOR TO THE COUNCIL