

Chief Executive's Office

Head of Regulatory Services:

County Buildings, Wellington Square, Ayr KA7 1DR



Tel: [REDACTED]

Email: foi@south-ayrshire.gov.uk

Our Ref : [REDACTED] Your Ref: [REDACTED]

Date: 11th April 2018

If phoning or calling ask for [REDACTED]

Sent by Email

Dear [REDACTED]

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 – REQUEST FOR INFORMATION FOI/2018/8132

I refer to my letter of 5th April providing the Council's partial response to your client's information request, relating to South Ayrshire Care Homes. Please find undernoted the outstanding response for Question 3. I apologise for the delay in providing this information to you.

Unfortunately as you will see, the Council does not hold the historic records required to provide a response to several questions and is unable to provide details of the current valuations of the subjects as consideration has been made to placing the subjects on the open market in the past, and may again in the future. The release of these valuation figures may impact on the commercial sales should they proceed at a later date. However, I do hope the information provided across this and my previous correspondence assists your client.

I would be grateful if you could please advise if your client wishes to pursue the Internal Review, requested due to the Council's late response to your information request and I look forward to hearing from you further on this matter.

If you are dissatisfied with the handling of your request you can ask for a review. A request for a review must be submitted within 40 working days and should be put in writing to [REDACTED] Information and Governance Team Leader, South Ayrshire Council, Resources, Governance and Organisation, County Buildings, Wellington Square, Ayr KA7 1DR, Tel: [REDACTED], Email: foi@south-ayrshire.gov.uk. If you remain dissatisfied after a review, you have the right to apply to the Scottish Information Commissioner for a decision. This must be submitted within 6 months after the review and should be put in writing to the Scottish Information Commissioner. The preferred method of appeal is to submit your application online to the Scottish Information Commissioner Website: www.itspublicknowledge.info/Appeal. If you do not wish to submit your application online you can also send your appeal in writing to the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St. Andrews, Fife KY16 9DS, Tel: 01334 464610 or by email at: enquiries@itspublicknowledge.info. Further information on your right to ask for a review and to apply to the Scottish Information Commissioner is given in the enclosed Information Sheet.

Yours sincerely

[REDACTED]

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
FOI/2018/8132

	<u>South Lodge</u>	<u>Hillcrest</u>
(a) Purchase Cost of each care home	Based on original sale title: £10,000 - sold to the Provost, Magistrates & Councillors of Ayr on 6 th February 1952 (subjects South Lodge and South Lodge Nursing Home)	The subjects now forming Hillcrest Nursing Home were purchased over a series of titles. Unfortunately the Council does not hold a full copy of the historic title to this property and therefore is unable to quantify the original purchase cost. However, the title for Hillcrest is publically available, and will be recorded with the Registers of Scotland should your client wish to purchase the title and quantify the historic costs.
(b) Construction and/or Building Costs of each care home	Unfortunately due to this care home being constructed over 40 years ago this information is no longer held by the Council. This paragraph forms the required Notice under Section 17 that this information is not held.	Unfortunately due to this care home being constructed almost 40 years ago this information is no longer held by the Council. This paragraph forms the required Notice under Section 17 that this information is not held.
(c) Redevelopment/Renovations Costs of each care home	£301,818.56 (since 2004/2005) – no recorded information held prior to this time.	£215,355.40 (since 2004/2005) – no recorded information held prior to this time
(d) Purchasing of Land or Assumed Land Value of each area of land where care home is situated	The Council holds an assumed land value for this care home but is unable to provide this to you due to commercial sensitivity of the information requested. This information is viewed to be exempt from disclosure under Section 33(1)(b) of FOISA. This paragraph acts as the required notice under Section 16 of the 2002 Act.	The Council holds an assumed land value for this care home but is unable to provide this to you due to commercial sensitivity of the information requested. This information is viewed to be exempt from disclosure under Section 33(1)(b) of FOISA. This paragraph acts as the required notice under Section 16 of the 2002 Act.

**SOUTH AYRSHIRE COUNCIL INFORMATION SHEET
THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
YOUR RIGHTS TO REQUIRE A REVIEW AND
APPLY TO THE SCOTTISH INFORMATION COMMISSIONER**

REQUIRING A REVIEW

When can you require a review?

South Ayrshire Council hopes that you are satisfied with the outcome of your information request. In the event, however, that you are dissatisfied with the way in which your request has been handled, you have the right to require the Council to review its actions and decisions in relation to your request (this is called a "requirement for review").

How to submit a requirement for review

A requirement for review must:

-) Be submitted in writing (which includes an e- mail if received in a legible form) or in another permanent form (such as, for example, a recording made on audio or video tape);
-) State your name and an address for correspondence;
-) Give details of:
 - (a) the request for information that you wish to be reviewed; and
 - (b) the reason(s) why you are dissatisfied with the Council's actions and decisions in relation to your request.

A requirement for review must be received by the Council no later than 40 working days after either:

-) The expiry of the time- limit imposed on the Council for complying with your request for information; or
-) Where the Council provides information, or issues a fees notice, or a refusal notice, or a notice that information is not held, but does so after the time- limit has expired, the date on which you receive the information or the notice.

If appropriate, the Council may comply with a requirement for review made after expiry of the time- limits.

For the purposes of calculating the time- limits, "working day" means any day other than a Saturday, a Sunday, Christmas Day or a day which, under the Banking and Financial Dealings Act 1971, is a bank holiday in Scotland.

The Council does not have to comply with a requirement for a review if the requirement is vexatious or it relates to a repeated request made by the same person which is identical or substantially similar to a previous request that has been dealt with, unless a reasonable period of time has elapsed between the making of the original request and the making of the repeated request.

The Council's Decision on Review

The Council must comply promptly with a requirement for review.

At the review, the Council may:

-) Confirm its original decision, with or without modification;
-) Substitute a different decision; or
-) Reach a decision, where the complaint is that no decision has been reached.

You will receive written notice of the Council's decision and a statement of its reasons for the decision, no later than 20 working days after the Council receives the requirement for a review. You may withdraw your requirement for review at any time before the Council makes its decision.

Where to send your requirement for a review:

If you wish to submit a requirement for review, please send this to: **FOI Team, South Ayrshire Council, Resources, Governance and Organisation, County Buildings, Wellington Square, Ayr KA7 1DR, Email: FOI@south-ayrshire.gov.uk.**

APPLYING TO THE SCOTTISH INFORMATION COMMISSIONER FOR A DECISION

When can you apply for a decision by the Commissioner?

If, having asked the Council to review its actions and decisions in relation to your request for information, you are either dissatisfied with the outcome of the review as notified to you by the Council, or if the Council has failed to notify you of the outcome of a review, you may apply to the Scottish Information Commissioner ("the Commissioner") for a decision as to whether the Council has dealt with your request for information in accordance with Part 1 of the Freedom of Information (Scotland) Act 2002.

How to submit an application to the Commissioner

Any application to the Commissioner must:

-) Be submitted in writing (which includes an e- mail if received in a legible form) or in another permanent form (such as, for example, a recording made on audio or video tape);
-) State your name and an address for correspondence;
-) Give details of:
 - (a) the request for information to which the requirement for review relates;
 - (b) the reason(s) why you are dissatisfied with the Council's actions and decisions in relation to your request; and
 - (c) the reason(s) why you are dissatisfied with the outcome of your requirement for a review or with a failure to notify you of the outcome of a review.

Any application to the Commissioner must be made no later than 6 months after either:

-) you receive notice from the Council of the outcome of the review, or
-) the expiry of the time- limit imposed on the Council for complying with a requirement for a review.

If appropriate, the Commissioner may consider an application made after the expiry of these time-limits.

The Commissioner's Decision

The Commissioner will contact the Council and invite its comments on your application. Thereafter (if no settlement has meantime been reached), the Commissioner must reach a decision within 4 months of receiving your application, or within such other period as is reasonable. You will receive written notice of the outcome of the Commissioner's decision.

You have a right of appeal to the Court of Session against the Commissioner's decision, on a point of law only.

Where to send your application to the Commissioner

An application to the Commissioner can be submitted online at www.itspublicknowledge.info/Appeal. If you do not wish to submit your application online you can also send your appeal in writing to the Scottish Information Commissioner at Kinburn Castle, Doubledykes Road, St. Andrews, Fife KY16 9DS, Tel: 01334 464610 or by email at: enquiries@itspublicknowledge.info.