



Ref: EIR 2016/023

20th July 2016

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 22nd June 2016.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA) as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). The information falling within the scope of the EIRs is considered to fall within paragraphs (a), (b) and (c) of the definition of environmental information. In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Your specific requests and the response from the National Park Authority are provided below.

1. A copy of the agreement between the Loch Lomond and the Trossachs National Park and Clyde Cruises for the operation of the Waterbus service from Lomond Shores, Balloch

Please find attached the text of the agreement for the operation of a waterbus service. Some information has been redacted from this document, specifically details of the financial aspect of this agreement. This information has not been disclosed as it is commercially sensitive. It is considered that the release of this information would be of commercial benefit to other commercial operators of a similar service. This means that the release of this information could have a negative impact on the boat operator in bidding for other similar contracts. The information has therefore been withheld from release under R10(5)(e) of the EIRs. It is recognised that there may be a public interest in the disclosure of this information, which may help to inform the decision making processes of a public authority, however it has been concluded that there is a greater public interest in protecting the commercial interests of the boat operator we have agreed terms with.

2. The total value of this agreement, with a breakdown of its individual components including:

- **Any pier charges for Lomond Shores and Inchcailloch**
- **Any other incentives, such as moorings**

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

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This information has not been disclosed as it is considered to be commercially sensitive information. Given that this agreement has only just been put in place, it is considered that the release of this information would be of commercial benefit to other commercial operators of a similar service. This means that the release of this information could have a negative impact on the boat operator in bidding for other similar contracts. The information has therefore been withheld from release under R10(5)(e) of the EIRs. It is recognised that there may be a public interest in the disclosure of this information, which may help to inform the decision making processes of a public authority, however it has been concluded that there is a greater public interest in protecting the commercial interests of the boat operator in providing a water bus service for the use and enjoyment of the public.

3. A copy of the original invitation for tenders for this service from Lomond Shores, Balloch, and any other documents related to the original tendering process.

Please find attached the original tender documentation which was sent to all parties who expressed an interest in bidding for the contract. Please be advised that no tenders were submitted in response to the Park Authority invitation. The Park Authority subsequently sent follow up correspondence to all parties who had expressed an interest in the contract, and offered more flexible terms in an effort to encourage operators to reconsider the contract.

4. Any documents pertaining to the decision to award this service to Clyde Cruises, including, but not limited to, any emails, Powerpoint presentations, minutes of meetings, text messages and any other documents.

The decision to award the waterbus service to Clyde Cruises was as a result of the Park Authority contacting all operators who had expressed initial interest in the tender processing, though no tenders were received. Some further interest was expressed, the email correspondence for this is attached, and the operator who subsequently expressed definite interest in negotiating terms was Clyde Cruises. Following further discussion, terms were agreed with the Park Authority. The email correspondence that formed the negotiations of the terms for awarding the service to Clyde Cruises has been attached. Please note that some information in the documents provided has been redacted; specifically contact details and personal information within the content of emails as well as information which is not relevant to the request. The redacted information is personal data of which you as requestor are not the data subject, which means that this information is exempt from release under Regulations 11(3)(a)(i) and 11(3)(b) of the Environmental Information (Scotland) Regulations 2004. There is no requirement to consider the public interest in the release of personal information, as its release would contravene the Data Protection Principles.

5. A record of all meetings held by Loch Lomond and the Trossachs National Park officials and any others in connection with the decision to award the Waterbus service from Lomond Shores, Balloch, together with a note of those attending, their position and organisation

A meeting was held with Clyde Cruises on Wednesday 20th January 2016.

The attendees were

- Markus Kroner, the Park Authority Director of Estates and Commercial Development
- A representative from Clyde Marine Cruises

6. A copy of the minutes from each of these meetings

There are no minutes held of meetings relating to the decision to agree terms with Clyde Cruises for the provision of a waterbus service. Accordingly, I have to advise you under R10(4)(a) of the Environmental Information (Scotland) Regulations 2004 that this information is not held.

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List of attached documents

1. Agreement with Clyde Cruises
2. Original tender document
3. Follow up correspondence
4. Correspondence with other operator
5. Correspondence with Clyde Cruises

Yours sincerely

Information Officer

info@lochlomond-trossachs.org

Review Procedure

If you are dissatisfied with this response, or the way in which the Authority has dealt with your request, you are entitled to ask the Authority to review its decision. Please note that in order for a review to take place you must:-

- Lodge a written request for a review within 40 working days of either the date on which you received a response from the University or the date by which you should have received a response under the terms of the Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

address your review request to the Director of Corporate Services:

Jaki Carnegie
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

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If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

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