


Newark Works
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FMPG/2021/008


Response sent by email

24th May 2021

Dear 

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 22nd April 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked the following:

1. The amounts invoiced to the company in connection with legal fees in the following periods:
 - a. June 2019 to May 2020 inclusive
 - b. June 2020 to present.

2. A breakdown of those amounts, where possible to legal advice/support in the following areas in each period:
 - a. Property
 - b. Corporate/commercial (excluding property matters)
 - c. Litigation matters (excluding employment matters)
 - d. Employment and
 - e. Advice not falling within the above.



Registered in Scotland No. SC638457
Registered office: Ferguson Marine (Port Glasgow) Ltd.
Newark Works, Castle Road
Port Glasgow, Renfrewshire, PA14 5NG
VAT number: GB 340 6721 21

Response to your request

Please find our response to your request for information:

June 2019 to and inclusive of May 2020	
Subject Matter	Cost
Property	£0.00
Corporate/commercial (excluding property matters)	£3,613.00
Litigation matters (excluding employment matters)	£0.00
Employment	NA
Advice not falling within the above	£0.00

June 2020 to and inclusive of April 2021	
Subject Matter	Cost
Property	£1,004.00
Corporate/commercial (excluding property matters)	£4,102.19
Litigation matters (excluding employment matters)	£0.00
Employment	NA
Advice not falling within the above	£3,682.60

We have disclosed the information requested in point 1 above with the exception of information relating to employment matters. We have also provided a breakdown of our legal spend in respect of the areas requested in point 2 above with the exception of employment matters.

Information exempt from disclosure

The remainder of the information that you have requested is exempt from disclosure under section 33 (1) (b) of the Freedom of Information (Scotland) Act 2002 and is therefore withheld. This is because we consider that disclosure of the information would, or would be likely to, prejudice substantially our commercial interests.

We consider that the disclosure of information on our legal spend in respect of employment matters would, or would be likely to, place us at a material disadvantage in relation to the conduct of ongoing employment proceedings involving Ferguson Marine (Port Glasgow) Limited.

Application of the public interest test

Section 33 (1) (b) of the Freedom of Information (Scotland) Act 2002 is a qualified exemption subject to the public interest test. We have also assessed whether, in all the circumstances of the case, the public interest is better served by disclosing or withholding all the information. Having considered the public interest, our decision is to withhold certain information. In deciding where the public interest lies, we have considered the following factors:

- the general public interest that information is accessible;
- whether disclosure would contribute to ensuring effective oversight of expenditure of public funds and that the public obtain value for money;
- whether disclosure would contribute to a debate on a matter of public interest; and
- whether disclosure would prejudice the protection of an individual's right to privacy.

Having done so, in our view the balance of the public interest test determines that the information relating to legal spend in respect of employment matters is exempt from release. Notwithstanding the factors outlined above, we consider that disclosure of such information has the potential to substantially harm us, especially in light of employment matters prevailing at the time of the request and, for that reason, we do not consider that this would be in the public interest.

Your right to request a review

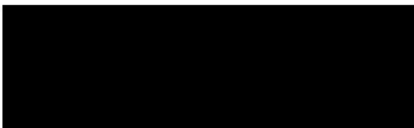
If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to:

FOI Officer
Ferguson Marine (Port Glasgow) Ltd
Newark Works
Castle Road
Port Glasgow
PA14 5NG
foi@fergusonmarine.com

Your review request will be forwarded to the appropriate reviewer. You should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Yours sincerely,



Victoria Law
FOI Officer