Dear Mr Kempe,

Thank you for your request for information received on the 19th September, made under the Freedom of Information (Scotland) Act 2002 (FOISA). We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 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). I confirm that Scottish Enterprise (SE) holds certain information within the scope of your request. I have addressed your specific questions below.

**1.       Could you please confirm whether or not Flamingo Land was appointed as a result of public tender and if so where I can find the papers.**

I can confirm that Flamingo Land (FL) were not appointed following a public tender on Public Contract Scotland. FL were appointed following a marketing campaign for West Riverside which contained installation of ‘for sale’ signage boards on the site itself, and though advertisements in both The Herald and Property Week in early spring 2015 and subsequent circulation of brochures of marketing particulars.

The marketing strategy  divided West Riverside into five development areas and stated that Scottish Enterprise (SE) would fully consider any interest in individual plots 1 – 5 as well as whole site interests. Please see the attached marketing brochure for more information. A closing date of 26th June 2015 was set for the submission of development proposals to be assessed. Expressions of interest were requested and subsequent development proposals were evaluated and scored by a scoring panel in August 2015.

**2.       I would also be grateful if you could provide me with any internal papers/information from Scottish Enterprise that explains your decision to develop this site as a whole with one developer in preference to other options (e.g. a community development trust).**

In keeping with Scottish Government procurement guidelines, all land transactions of this nature undertaken by SE must go through an open market process to promote transparency and openness. At the ‘closure of interest date’ - 5 responses/submissions to the brief were received from leisure operators and developers. All the proposals were scored by a panel comprising of representatives from SE, LLTNPA and SE’s Property Advisors (Bilfinger GVA) in accordance with the issued evaluation criteria and methodology outlined in the attached development brief.

The Flamingo Land submission generated the highest score against the evaluation criteria and was selected by the evaluation panel as the preferred bid. Flamingo Land demonstrated strong credentials and track record in delivering leisure resorts, their submission set out a mix of complimentary leisure uses for West Riverside, with a strong focus on the economic development and design objectives set out in the brief. In addition the company stated in their submission that they would adopt a structured Community Benefit strategy in taking their development proposals forward.

Please find attached the Tender Evaluation Matrix which sets out the criteria (and weighting) against which the proposals were scored**.** Please be aware that some information has been redacted under regulation 10(5)(e). A full explanation as to why I believe this regulation to apply can be found below.

**Regulation 10(5)(e)**

This exception is used when the disclosure of the information requested would, or would be likely to, prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law or to protect a legitimate economic interest.  In this case this relates to information which is confidential to the commercial partners and contains information which is of a commercially sensitive nature.  This information is not in the public domain and is not generally accessible to the public.    Some of the information also relates to ongoing aspects of the project which at this stage remain confidential and which if were released would be detrimental to the future development plans and, as a consequence to the wider region, which is contrary to Scottish Enterprise’s primary focus on the economic development of Scotland.

Relationships with private and public sector partners are crucial to SE in meeting its overall objectives of furthering the development of Scotland’s economy.  It is therefore critical that SE is able to maintain open, honest and transparent dialogue with those partners to ensure it is able to support companies as effectively as possible.   SE’s links with those partners would be diminished if those parties were concerned that commercially confidential information may be disclosed in circumstances where it is not appropriate to do so and where it would cause harm to do so.

**Public Interest**

I recognise that SE, as a public authority, has a duty to be open, transparent and to achieve best value for money.   However, there cannot be a public interest where such transparency is to the detriment of a partner’s current commercial viability through the release of its commercially sensitive information.

I do not consider that there is a public interest or benefit in releasing information which could have an adverse effect on the commercial interests of third parties.  However, allowing commercial parties to maintain confidentiality in their commercial positions is important to maintaining and supporting the proper and efficient operation of free markets, which is of serious concern and benefit to the public.  As such I consider that the public interest also favours the withholding of this information.

I hope the above information is of use to you. If you remain at all unclear or have any further questions please do not hesitate to contact me again.

If you consider that your request has not been handled appropriately you have the right under the Freedom of Information (Scotland) Act 2002 to request a review. A request for review must be submitted in writing or other permanent form within 40 working days of the date of this letter and should be addressed to:

Dr Lena Wilson

Chief Executive

Scottish Enterprise

Atrium Court,

50 Waterloo Street,

Glasgow,

G2 6HQ