



SCARBOROUGH BOROUGH COUNCIL

Paul Randall
55 Wooldale Drive
Filey
YO14 9ER

Your Ref:
Our Ref:

16 June 2016

Email: cocopopart@gmail.com

Dear Mr Randall

Re: Freedom of Information Act 2000 – FOIA 4441

Thank you for your request which has been dealt with under the Freedom of Information Act 2000 (FOIA). You requested the following information:

Request

Will you please clarify and supply relative information on the following questions in reference to the Filey Flood Alleviation Scheme.

Ref: item 4.2 Appendix 2, Yorkshire RFCC Investment Programme 2016/17 onwards
Projects by Lead Local Flood Authority and Lead Risk Management Authority.

Flood and Coastal Erosion Risk Management. Grant in Aid FCERM-GiA £3.149m
Local Levy £1.85m
Public Contributions £30k

1. Will any part of the grants have to be paid back in the future if circumstances change ? Example: Land use changes. Say the land use changes for Building Development on the Flood Alleviation Zone.
2. Who would have to pay the monies back ? The Developer, the Local Council, the Borough Council, Other (Please Name)?
3. Where do the Local Levy monies come from?
4. Please forward a full list of contributors to the grants for the Filey Flood Alleviation Scheme.



Response

Your request for responses to questions does not fall within the requirements of the FOIA. Section 1(1) of the FOIA entitles an applicant making a request:

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- (b) if that is the case, to have that information communicated to them.

Furthermore, at section 84 of the FOIA, "information" is defined as being "information recorded in any form".

In summary, the duty to communicate information is contingent upon the public authority holding the information in a recorded format. The provision of responses to questions does not fall into that category and officers are generally unable to compile the information you have requested where it is not already held in recorded form.

I can confirm that the Council does not hold any documents in recorded form, which would provide answers to the above questions. However wherever possible the Council does like to provide assistance in accordance with the Council's obligations under Section 16 of the FOIA, and therefore :

1. The grants have been applied for but have not yet been awarded. The answer to this question will not be known until the conditions of any grant, if awarded, are known. However, in general, it is not the case that if circumstances change such as land use, that the grant has to be repaid.
2. If any grant had to be repaid, it is the Borough Council, as the accountable body, who would have to repay the grant.
3. Local levy funding comes from all of the local authorities within the region.
4. No grant contributions have been secured at this point in time.

Review






If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Freedom of Information Officer, Legal and Support Services, Town Hall, St Nicholas Street, Scarborough, North Yorkshire, YO11 2HG or email foi@scarborough.gov.uk.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Scarborough Borough Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF | Tel: 01625 545745 | Fax: 01625 524510 | Web: | www.ico.org.uk |

Yours sincerely

C. Bourne.

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Projects Manager

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