



SCARBOROUGH BOROUGH COUNCIL

Mr Robert Agus
81 Wooldale Drive
Filey
YO14 9ER

Your Ref:
Our Ref:

5 April 2016

robert@whiteaguspartnership.co.uk

Dear Mr Agus

Re: Freedom of Information Act 2000 – FOIA 4318

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

Request

You have requested answers to a number of questions related to the Filey Flood Alleviation Scheme as follows :

1. What brief was given to the scheme designers?
2. Who prepared the design brief?
3. Who approved the brief?
4. How were the designers selected?
5. Who selected the designers?
6. Who approved the scheme?
7. Who was consulted regarding the technical aspects of the proposals and approved the scheme presented to the planning committee?
8. Who have been responsible for and taken part in negotiations with Landowners to date?
9. Now that town & country planning approval has been granted who will be taking part in negotiations regarding compensation and land ownership etc on behalf of Scarborough borough council?
10. Who will be responsible for the final settlement details?
11. Will any of the details of any agreed arrangements be made available to the general public?
12. What is the current position regarding these negotiations?
13. When the FAS is completed who will own the land shown on the drawings submitted with application planning application 15/02657/rg3 to no longer be in agricultural use?
14. Who will be responsible for future maintenance of the land and FAS?



15. If the land is to change ownership what are the proposed future land uses if they are to change from agricultural?
16. Has Filey Town Council been involved in the design process of the FAS. If so which member(s) has been party to this?
17. Has Filey Town Council been involved in the discussions regarding land transfer/compensation/ownership associated with the FAS. If so which member(s) have been party to this?
18. Councillor Cockerill has indicated that he has knowledge of future land uses. When will this information become public knowledge?

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 unable to compile the information you have requested where it is not already held in recorded form.

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. Attached is a copy of the brief provided to the Council's consultant.
2. All decisions on the project are made in accordance with the Council's Constitution. A copy of the Constitution can be viewed on the Council's website at <http://democracy.scarborough.gov.uk/ieListMeetings.aspx?CId=315&info=1>
3. Public reports on the project and statements made by elected members can be viewed on the Council's website at <http://democracy.scarborough.gov.uk/uuCoverPage.aspx?bcr=1> where a search function can be used to find relevant information. In particular I would draw your attention to report reference 13/47 and also the documents accompanying the current planning application.
4. The Project Team who have been involved in the management of the project throughout including all discussions with landowners and Filey Town Council are the :

Principal Coastal Officer
Senior Project Manager
Estates Service
Legal Service

5. Where your questions relate to Filey Town Council or Cllr Cockerill, we are unable to answer on their behalf and would suggest you consider approaching these directly.

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.

Chris Bourne
Projects Manager

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