

## **Complete correspondence record (in chronological order)**

**From:** FOI <[FOI@scarborough.gov.uk](mailto:FOI@scarborough.gov.uk)>  
**Sent:** Thursday, August 16, 2018 12:06:38 PM  
**To:** [REDACTED]  
**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** FOI Request FOIA5960

Dear [REDACTED]

### **Freedom of Information Act 2000 – FOIA5960**

#### **Request**

I wish to see, in electronic form, details of all complaints during the last three years, regarding motorhomes and campervans, at the following publicly owned car parks in Whitby - Endeavour Wharf, Battery Parade and Whitby Marina.

#### **Response**

I refer to your request for to the Council to release certain information into the public domain pursuant to the Freedom of Information Act 2000 (“FOIA”) or the Environmental Information Regulations 2004 (“EIA”).

The Council received around 1,000 complaints over the last three years. In order to locate, retrieve and extract the information you seek will each complaint record would need to be examined and the details extracted, which I estimate would take a minimum of 2 to 3 minutes per record.

Section 12 of the FOIA states:

- (1) Section 1(1) [of the FOIA] does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The “appropriate limit” is defined at Regulation 3(3) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Regulations”) as being £450. Regulation 4(4) of the Regulations states that costs are to be estimated at a rate of £25/hour. This in effect means that the appropriate limit equates to 18 individual man hours.

For the purposes of the estimate, under Regulation 4(3) of the Regulations the Council may take into account the following:

The costs it reasonably expects to incur in relation to the request in:

- (a) determining whether it holds the information
- (b) locating the information, or a document which may contain the information
- (c) retrieving the information, or a document which may contain the information

(d) extracting the information from a document containing it

For the reasons stated I consider that the Council would incur to locate, retrieve and extract information relating to your request would substantially exceed the appropriate limit. Consequently the Council will not be processing your request further.

However, if you chose to narrow the scope of your request in some manner it may be that this could bring it within the appropriate limit. If you follow this approach please refer to the reference number at the head of this communication in your reply.

If you are unhappy with the service you have received in relation to your request and wish to request an internal review of our decision, you should write to the Freedom of Information Officer, Regulation and Governance, Town Hall, Scarborough YO11 2HG or email [foi@scarborough.gov.uk](mailto:foi@scarborough.gov.uk).

If you are subsequently unhappy with the outcome of the review, you may apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF | Tel: 01625 545745; | Fax: 01625 524510 | Website: [www.ico.org.uk](http://www.ico.org.uk) |

Yours sincerely

FOI Officer

Scarborough Borough Council

e: [foi@scarborough.gov.uk](mailto:foi@scarborough.gov.uk) | t: 01723 232323 | w: [www.scarborough.gov.uk](http://www.scarborough.gov.uk)

Office: Town Hall, St Nicholas Street, Scarborough, YO11 2HG

Business Hours: 8.30 am to 5.00 pm, excluding bank holidays

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**From:** [REDACTED]  
**Sent:** Thursday, August 16, 2018 10:22:52 PM  
**To:** [FOI; jim.dillon@scarborough.gov.uk](mailto:FOI; jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI; Jane Wilson](mailto:FOI; Jane Wilson)  
**Subject:** RE: FOI Request FOIA5960

Dear FOI (and Jane),

Hi, and thank your for that. I had not expected around 1000 individual complaints. Taking note of council history on this respect I had, frankly, expected ... none.

I think we can very reasonably limit the scope of my query, as you suggest, in thus manner. You tell me that you have already determined that you hold information on around 1000 complaints from members of the public regarding the three car parks I mentioned. You have located the information and you have retrieved the information for around 1000 complaints.

The policy I have from the ICO in respect of your comments is:

*"The biggest cost is likely to be staff time. You should rate staff time at £25 per person per hour, regardless of who does the work, including external contractors. This means a limit of 18 or 24 staff hours, depending on whether the £450 or £600 limit applies to your public authority. You cannot take into account the time you are likely to need to decide whether exemptions apply, to redact (edit out) exempt information, or to carry out the public interest test."*

and we seem to be working to the same rules.

You have confirmed the work you need to carry out is limited to 18 man hours (£450) and, the ICO states, you must not take into account time to redact personal information, decide on exemptions or carry out public interest tests. At - let's use the upper limit of 3 mins per record you quote - you can process 20 records per hour; in 18 hours you can process 360 records. Shall we agree that you will provide full details (except for essential redaction) for 360 individual complaints from members of the public during the past three years for the three car parks I mentioned?

If I may just mention public interest? The rights, privileges and freedoms of citizens is severely curtailed using these (around) 1000 complaints as sole justification. The public interest is clear. Just what are these complaints?

You have suggested I reword my request to take your time limits into account? I'm very willing to do exactly that:

**"I wish to see, in electronic form, full details of 360 individual complaints from the public during the three years beginning 18<sup>th</sup> July 2015 - 120 for each 12 month period - regarding motorhomes and campervans, at the following three publicly owned car parks in Whitby - Endeavour Wharf, Battery Parade and Whitby Marina."**

I'm sure my rewording is what you need. Thank you for your help in revising my query and I look forward to the answer required of you by the Act.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 17 August 2018 06:29  
**To:** [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)

**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** FOI Request FOIA5960

Hi,

I woke this morning to the realisation that I should make a very small amendment to my email below. It would be a pity not to take full advantage of the time available to us.

If there are less than 120 complaints in any of the 12 month periods then please use the spare capacity to make up to the full 360 complaints from the other two. Is that reasonably clear? So that we end up with the full complement of 360 separate individual complaints?

[REDACTED]

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**From:** [FOI](#)  
**Sent:** Friday, August 17, 2018 3:15:33 PM  
**To:** [REDACTED]; [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** RE: FOI Request FOIA5960

Dear [REDACTED]

I refer to your email below and apologise for the misunderstanding but the 1,000 complaints received covers ALL services operated by the council (ie including planning, refuse, parking, etc), not just the three car parks you have mentioned. The system by which complaints is recorded means that in order to provide an exact figure I will have to examine all every record to be able to find the information you require. I will have a further look to see if I can examine complaints designated as 'car parking' however this may mean that the figure is slightly inaccurate – for example, if a complainant has selected the wrong service when reporting their complaint.

Please contact me if this is not clear and I will explain further.

Kind regards

Petra Jackson

Performance and Admin Manager, Scarborough Borough Council

e: [petra.jackson@scarborough.gov.uk](mailto:petra.jackson@scarborough.gov.uk) | t: 01723 383528

w: [www.scarborough.gov.uk](http://www.scarborough.gov.uk)

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**From:** [REDACTED]  
**Sent:** Monday, August 20, 2018 8:20:37 AM

To: [FOI; jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
Cc: [FOI; Jane Wilson](#)  
Subject: RE: FOI Request FOIA5960

Thank you Petra,

for your prompt response. Perhaps you could do exactly as you say and we'll see what we end up with, yes? The following is not adversarial and is meant to be helpful for you in understanding my needs..

The council has alleged a number of complaints from Whitby residents; it has done so in the past and Fol questions have proved that there had been no complaints - none. The council was dishonest. Fol answers were honest. Jane will have the history. I have it too.

It seems that history has repeated itself; there have again been allegations of complaints about motorhomes and my Fol question is to determine the nature and quantity of the complaints you allege. They seem to be enough, and serious enough, to seriously affect the freedoms, rights and privileges of citizens. You could maybe let me have details of the complaints used in justification. You (the council) had them readily to hand when used to seriously affect, etc ... so a day or two should suffice.

Lisa Dixon is quoted *"Following the [2012] prohibition, members have indicated that the number of motorhomes/caravans now migrating into the Marina Back and other car parks adjacent to the harbour have increased so have the number of complaints received."* Another report said ... *"And the council has been flooded with complaints during peak periods"*. The forecast migration happened exactly as expected; the council chose to ignore the certainty. I am concerned that the same will happen again and seek to prevent it; the problem (whatever it really is) will just be moved along the road a bit and become even more of a problem.

Maybe we could add Lisa's complaints too? Since Lisa Dixon seems to have all those complaints readily to hand, maybe we could have them within a day or two as well? They should be easily retrievable from her.

Maybe you could look again at my Fol question and the amendment you suggested with a view to answering it as accurately as you can. May I remind you that Section 77 of the Act makes clear that a criminal offence exists if information is hidden, destroyed or altered. When added to previous dishonesty there is a public interest in the SRBC culture which permits this (if, as seems likely, the council was again dishonest which we will know when we have the Fol answer).

**For Jim Dillon.** It really is time the council got down to a proper solution to what it clearly sees as a motorhome problem (which has never before truthfully had its base in complaints from residents). I have offered my help in the past. You should have taken it. Jane will have the history; I believe she was very much the architect – whether my ideas or her's, they were good ones. (Actually, on reflection, you did very sensibly take it and later changed your mind for a very poor reason).

It looks to me as though, again, there have been few or no complaints. Prove me wrong by answering my Fol query – as amended if you wish..

Thank you again for your prompt response.

[REDACTED]

and;

**From:** [REDACTED]  
**Sent:** 28 August 2018 08:08  
**To:** [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** FW: FOI Request FOIA5960

Hi Petra,

I haven't had an acknowledgement of that below. Are you now able to fulfil your statutory responsibilities? If you need further time then please do let me know of your progress so far. You have identified around 1000 complaints – it should not take too long to let me have the, some, 360 individual complaints we have agreed you will forward.

Please do let me know progress.

[REDACTED]

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**From:** FOI <[FOI@scarborough.gov.uk](mailto:FOI@scarborough.gov.uk)>  
**Sent:** Friday, August 31, 2018 9:56:52 AM  
**To:** [REDACTED]; [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** RE: FOI Request FOIA5960

Dear [REDACTED]

Further to your email below, please find details attached of complaints received which have been recorded on our Complaints management system between 01/07/14 and 30/08/18

Please note that this does not include any complaints made verbally to Councillors or Council Officers which may not have been recorded.

Kind regards

Petra Jackson

Performance and Admin Manager, Scarborough Borough Council

e: [petra.jackson@scarborough.gov.uk](mailto:petra.jackson@scarborough.gov.uk) | t: 01723 383528

w: [www.scarborough.gov.uk](http://www.scarborough.gov.uk)

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**From:** [REDACTED]  
**Sent:** 31 August 2018 10:03  
**To:** [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** RE: FOI Request FOIA5960

Hi Petra,

Thank you. Have I got the correct answer? There were to have been around a thousand complaints. I've only glanced at your enclosure and in no way studied them. But you have given me only THREE. And two of them seem, from the style and language, to be from the same person – therefore only one complaint. So a grand total of TWO. Is this correct?

Thank you for your work.

[REDACTED]

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**From:** Jane Wilson <[Jane.Wilson@scarborough.gov.uk](mailto:Jane.Wilson@scarborough.gov.uk)>  
**Sent:** Friday, August 31, 2018 10:11:33 AM  
**To:** [REDACTED], [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#); [Jane Wilson](#)  
**Subject:** RE: FOI Request FOIA5960

Dear [REDACTED]

In addition please find attached copies of email complaints that I have received for your information,

*Jane Wilson*

Deputy Operations Manager

Scarborough Borough Council

[www.scarborough.gov.uk](http://www.scarborough.gov.uk)

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**From:** [REDACTED]  
**Sent:** 31 August 2018 10:33  
**To:** [Jane.Wilson@scarborough.gov.uk](mailto:Jane.Wilson@scarborough.gov.uk); [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#);  
**Subject:** RE: FOI Request FOIA5960

Hi Jane,

Thank you for that. Nice to hear from you again and I hope you are well. I am well too (I know you'd have asked).

As I said to Petra, it will take me a little time to absorb the information. Looking at Petra's answer it seems the correct FOI answer should have been ONE complaint. One was outside the time requested, and seems to have been from the same person anyway, and one seems to be about caravans and therefore outside the scope of my question – but I'm always grateful for such information. Nevertheless – **ONE complaint**. Not around a thousand.

Thank you for your work.

[REDACTED]

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**From:** FOI <[FOI@scarborough.gov.uk](mailto:FOI@scarborough.gov.uk)>  
**Sent:** Friday, August 31, 2018 11:00:42 AM  
**To:** [REDACTED]; [Jane.Wilson@scarborough.gov.uk](mailto:Jane.Wilson@scarborough.gov.uk); [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#);  
**Subject:** RE: FOI Request FOIA5960

Hi [REDACTED]

The 1,000 complaints referred to complaints about ALL services operated by the Council over a 3 year period – includes complaints on planning, waste etc etc

I hope that clarifies the matter for you

Kind regards

Petra Jackson

Performance and Admin Manager, Scarborough Borough Council

e: [petra.jackson@scarborough.gov.uk](mailto:petra.jackson@scarborough.gov.uk) | t: 01723 383528

w: [www.scarborough.gov.uk](http://www.scarborough.gov.uk)

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**From:** [REDACTED]  
**Sent:** Friday, August 31, 2018 11:08:48 AM  
**To:** [Jane.Wilson@scarborough.gov.uk](mailto:Jane.Wilson@scarborough.gov.uk); [FOI](#); [jim.dillon@scarborough.gov.uk](mailto:jim.dillon@scarborough.gov.uk)  
**Cc:** [FOI](#);  
**Subject:** RE: FOI Request FOIA5960

Thank you Petra,



*“The 1,000 complaints referred to complaints about ALL services operated by the Council over a 3 year period”*

But the question didn't.

I believe the correct answer should have been that there had been ONE complaint about motorhomes in the period asked for at the locations asked for.

[REDACTED]

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