

SCARBOROUGH BOROUGH COUNCIL

Mr James Corrigan
Request-835241-0713e8be@whatdotheyknow.com

Your Ref:
Our Ref: FOIA8486

30 May 2022

Dear Mr Corrigan

Internal Review 8486

We refer to the above mentioned FOI dated 21 February 2022 and your subsequent request dated 31 March 2022 for a review of the Council response which was provided to you on 21 March 2021.

Response:

The Council's Response to your original request was as follows:

With regard to the Business Improvement District, please provide the following information:

- 1. Please provide a copy of the BID Revenue Account from commencement of the BID that the Council is required to maintain in accordance with Section 14 of The Business Improvement Districts (England) Regulations 2004.*
- 2. Please provide a copy of the description of the goods and/or services as set out on each VAT invoice raised by Yorkshire Coast BID Limited to the Council, together with the date and amount charged for those goods and/or services on that invoice. If there are several invoices that have the same description on the invoice, please provide a schedule summarising the dates and amounts charged on each invoice for that specific description of goods and/or services.*

Section 43(2) of the FOIA states the following:

(2) information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Disclosure of the information would be likely to prejudice the Council's own commercial interests. As part of the consideration of the application of this

exemption, we are required to balance the public interest in disclosure against the public interest in maintaining the exemption.

Public interest arguments for disclosure:

- It is accepted that the public have an interest in the transparency and accountability of the Council. Disclosure of the information in question may go towards furthering that interest.
- Where information is kept out of the public domain it may lead to allegations that decisions are not being made in an open and accountable manner.
- Disclosure of the requested information would allow the public to understand the Council's position thus increasing transparency

Public interest arguments in favour of maintaining the exemption:

- Ensuring well informed decision making – commercially sensitive information is required by the Council so that they are able to make well informed decisions in the best interests of the borough.
- Disclosure of the requested information has significant potential to impact upon the willingness of parties to deal with the Council in future. This would not be conducive to open and transparent negotiations and dealings between the Council and third parties
- The public also have a clear interest in the Council being able to conduct their commercial affairs to the benefit of the borough. It cannot be within the public interest for the Council to have to disclose details connected to these affairs where there is no suggestion or allegation of impropriety. To do so would put the Council at a significant disadvantage which in turn has a direct impact upon the public, the local economy and the local taxpayer

The Council is therefore satisfied that the public interest rests in maintaining the exemption.

Review:

A review has been requested of the Council's response and in particular the Council's application of the section 43(2) exemption and the public interest arguments.

Upon review of the request, the Council has determined that the information requested can now be disclosed. Therefore the original response and exemption are not upheld.

Please find below the requested information:

1. Please provide a copy of the BID Revenue Account from commencement of the BID that the Council is required to maintain in accordance with Section 14 of The Business Improvement Districts (England) Regulations 2004.

	Year Ended 31 Mar 2020	Year Ended 31 Mar 2021	Year Ended 31 Mar 2022	Period to 17 May 2022
Balance b/f		(26,091)	(1,755)	(83,858)
BID levies paid in year	(637,328)	(383,084)	(541,926)	(146,971)
Amounts paid to Yorkshire Coast BID	611,237	407,419	459,823	
Balance c/f	26,091	1,755	83,858	(230,828)






2. Please provide a copy of the description of the goods and/or services as set out on each VAT invoice raised by Yorkshire Coast BID Limited to the Council, together with the date and amount charged for those goods and/or services on that invoice. If there are several invoices that have the same description on the invoice, please provide a schedule summarising the dates and amounts charged on each invoice for that specific description of goods and/or services.

Date Paid	Inv No	Net	Vat	Gross	Narrative
29/08/2019	0006	£271,196.00	£54,239.20	£325,435.20	August levy transfer
07/10/2019	0010	£160,095.00	£32,019.00	£192,114.00	September levy
05/12/2019	0011	£107,160.78	£21,432.16	£128,592.94	Oct - Nov collections
07/02/2020	0013	£72,785.42	£14,557.08	£87,342.50	Dec - Feb 5th collections
17/04/2020	0017	£25,864.42	£5,172.88	£31,037.30	Collections up to 1.4.2020
16/11/2020	0030	£305,486.59	£61,097.32	£366,583.91	Collections up to 4.11.2020
12/03/2021	0034	£76,068.06	£15,213.61	£91,281.67	Collections up to 12.3.2021
20/07/2021	0052	£76,353.13	£15,270.63	£91,623.76	Collections up to 20.07.21
08/09/2021	0054	£182,529.34	£36,505.87	£219,035.21	Collections draw down as of 29.08.2021
21/10/2021	0060	£168,124.64	£33,624.93	£201,749.57	Collections draw down as of 21.10.2021
20/01/2022	0065	£32,816.27	£6,563.25	£39,379.52	Collections draw down as of 20.01.2022

If you are not content with the outcome of this internal review under the Freedom of Information Act, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 01625 545745 (national rate) or 0303 123 1113 (local rate). Fax: 01625 524510. Web: www.ico.org.uk

Yours sincerely,

Carol Rehill
Deputy Monitoring Officer

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