

Derby City Council – Response
ID Reference FOI630404179
Date 05/09/2024

Information Requested	Response
<p>1. This is a formal request for all recorded information, on any media, between any department within Derby City Council and the Company J24 Resourcing Unit 3 Burnley House Rowditch PI Derby DE22 3LR regarding No 3 Courtland Gardens Shardlow Road, Alvaston Derby DE240LJ (Planning enforcement case reference 24/00083)</p> <p>22/8/24 Applicant clarification:</p> <p>“Any recorded information between J24 and Children and Young People's Department (Derby Social Care) pertaining to a Looked After Child/Children residing at no 3 Courtland Gardens, Alvaston Derby, this is to include telephone conversations, meetings and emails, any information recorded on Derby Social Care computer system between J24 Resourcing/ Social Workers/Health professionals/ carers and Police.</p> <p>Any recorded information between Derby City Planning Department with regards to J24 Resourcing Ltd which is logged on their computer system that is not in the public domain”</p>	<p><u>Children and Young People's Department</u></p> <p>The Council confirms it holds information that falls within the description of the request.</p> <p>However, the following exception applies.</p> <p>Regulation 12(4)(b) Manifestly Unreasonable – Resources Exception.</p> <p>Regulation 12 of the Environmental Information Regulations 2004 states:</p> <p>12 (1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if—</p> <p>(a)an exception to disclosure applies under paragraphs (4) or (5); and</p> <p>(b)in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.</p> <p>(4)(b) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that— the request for information is manifestly unreasonable</p> <p><u>Considerations</u></p> <p>Having reviewed your request, the Council has determined that the following factors are relevant in deeming your request manifestly unreasonable:</p> <ol style="list-style-type: none"> 1) Cost of the request 2) Burden of the request



	<p>As the EIR applies, there is no appropriate costs limit as there is for similar requests under the FOI legislation.</p> <p>However, the ICO guidance advises “the costs of considering if information is exempt can be taken into account as relevant arguments under regulation 12(4)(b).”</p> <p>The ICO further recommends that public authorities to use “a rate of £25 per hour for any staff time involved” as per the rate applicable under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Based on this, we have considered the below calculations provided by the service following their sample search:</p> <ol style="list-style-type: none"> 1) determining whether you hold the information = 264 hours 39 minutes 2) locating the information, or a document containing it = 264 hours 39 minutes 3) retrieving the information, or a document containing it; = N/A and 4) extracting the information from a document containing it.= 264 hours 39 minutes <p>5,293 records @ 793 hours x £25 = £19,825.</p> <p>Diverting 4 council officers from their day-to-day work priorities of:</p> <ul style="list-style-type: none"> - overseeing statutory delivery of social work services in Children in Care team, Leaving Care team, Youth Justice, Children with Disabilities team, Residential homes. - overseeing statutory delivery of Commissioning activity for Childrens Commissioning, People’s Brokerage (Adults and Childrens) and market management. This includes overseeing
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	<p>the SEND Commissioning team, People's Brokerage Team and the Commissioning Contracts and Project team.</p> <ul style="list-style-type: none"> - Overseeing statutory delivery of the Brokerage team sourcing and securing places of safety for vulnerable children and adults within Children in Care, Locality Teams, Mental Health, Children and Adults with Disabilities and across Adults Social Care. As well as strategic Commissioning work areas linking in with frameworks, contracts and providers and finance. <p>To accurately search the files would require a skilled team member to undertake the task as they would need knowledge of GDPR to ensure that information that should not be shared with a 3rd party is not.</p> <p>The impact on social care would be significant, it would be the equivalent to losing staff for over 3 working days.</p> <p>Commissioning - Significant, it would be the equivalent to losing 11 days working.</p> <p>To take resources away from delivering important services in order to comply with this request is not considered to be in the public interest.</p> <p><u>Public interest favouring disclosure</u></p> <p>There is a presumption for disclosure for environmental information relating to planning.</p> <p>There is a clear public interest in the Council being open and transparent about any information it holds relating to planning enforcement processes applied to 3 Courtland Gardens, Shardlow Road, Alvaston, Derby DE24 0LJ (Planning enforcement case</p>
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	<p>reference 24/00083) which would lead to a better informed public and stimulates debate. Additionally the release of the information would lead to more effective public participation in environmental decision making, which ultimately contributes to a better environment.</p> <p><u>Public interest in maintaining the exception</u></p> <p>However, this is outweighed by the fact that to search for the information requested would expose the Council to a disproportionate resources burden. To divert 4 council officers from their day-to-day work priorities on a single request is an unreasonable burden on the Council. To take resources away from delivering important mainstream services in order to comply with this request is not considered to be in the public interest.</p> <p><u>Conclusion</u></p> <p>When weighing up the various arguments for and against disclosure we believe the public interest favours maintaining the exception under 12(4)(b) for the reasons provided above. As a result we are unable to provide you with the information by virtue of Regulation 12(4)(b) of the Environmental Information Regulations 2004.</p>
Any recorded information between Derby City Planning Department with regards to J24 Resourcing Ltd which is logged on their computer system that is not in the public domain".	<p><u>Planning Department</u></p> <p>Information not held</p>

Please note, the following applies, if the response includes council officers (or other officers) names.

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