

Draft Environmental Information Charging Schedule	12 April 2017
Corporate Policy and Resources Committee	For Decision

Linkage to Council Strategy (2015-19)	
Strategic Theme	Leader and Champion
Outcome	Establish key relationships with strategic partners to deliver our vision for this Council area
Lead Officer	Head of Policy and Community Planning
Cost: (If applicable)	

1.0 Introduction

- 1.1 The Environmental Information Regulations 2004 enables requests for access to recorded information and they operate in a similar manner to the Freedom of Information Act 200. However, the Environmental Information Regulations relate specifically to requests for access to recorded information on environmental matters with the definition of what constitutes environmental information specifically outlined within the Regulations (and in the draft Charging Schedule attached).
- 1.2 In practice the Environmental Information Regulations relate to much of the information held relating to the Planning, Building Control, Heath and the Built Environment, Countryside Access and Waste Management functions of Council.

2.0 Draft Environmental Information Charging Schedule

- 2.1 The Regulations do allow public authorities such as the Council to charge for making this type of environmental information available. However, any charge must be reasonable and various principles will apply (as outlined in the draft Charging Schedule attached).
- 2.2 It is proposed that, where a charge is applicable for providing environmental information in response to a request under the Regulations, charges will be in accordance with the Council's current fees and charges schedule (as outlined in the draft Charging Schedule attached).
- 2.3 The draft Charging Schedule also outlines the procedure for payment of charges relating to requests under the Regulations.

3.0 Recommendation

- 3.1 It is recommended** that the Corporate Policy and Resources Committee recommend to Council the approval of the draft Environmental Information Charging Schedule as set out in **Appendix 1**.

ENVIRONMENTAL INFORMATION CHARGING SCHEDULE

Version Control

Version	Author / Reviewer	Review Date	Amendments
0.1	Information Governance Officer	January 2017	Draft

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CHARGING FOR ENVIRONMENTAL INFORMATION SCHEDULE

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1. Background

This document sets out when charges are payable for environmental information supplied under the Environmental Information Regulations 2004 (EIR).

If the information requested is not environmental, it will be dealt with under the following legislation as appropriate:

- Freedom of Information Act 2000 (FOIA) – requests for recorded information which is not environmental.
- Data Protection Act 1998 – requests for the requester’s own personal data (known as a subject access request).

It is for the public authority to decide which legislation is appropriate and whether any exemptions to disclosure apply.

2. What is Environmental Information?

The following is the EIR definition of environmental information. Regulation 2(1) of the EIR states that “environmental information” has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on –

- (a) The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements.
- (b) Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a).
- (c) Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements.
- (d) Reports on the implementation of environmental legislation.
- (e) Cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c).
- (f) The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

In practice, this means that much of the information relating to Planning, Building Control, Health & Built Environment, Countryside Access and Waste management will be classed as environmental information.

3. Charging Principles

EIR allows public authorities to charge for making environmental information available, but any charge must be reasonable.

The following principles will apply:

- The Council will not charge for public registers, lists of environmental information or environmental datasets viewed at relevant Council offices. However, Council will charge for locating and collating of information for viewing at relevant Council offices.
- Wherever possible environmental information will be published online and links to such information will be provided at no charge.
- No charge will be made unless the charges have been published.
- The Council will charge for other requests under EIR that do not fall into the above categories.
- Any charges will be justifiable as reasonable and will not act as a deterrent to those wishing to access environmental information.
- Where appropriate, charges will include staff time (including overheads) for locating, retrieving and extracting information, but will not include staff time in maintaining databases of environmental information.
- There will be no charge for an internal review.
- There will be no charge when the request relates to 'emissions'
- Photocopying and disbursements charges will be charged in accordance with the current rates in the Council's fees and charges schedule.

4. What Are the Charges?

4.1 Responses to requests under the Environmental Information Regulations 2004

Where a charge is applicable for providing environmental information in response to an EIR request, charges will be in accordance with the Council's current fees and charges schedule.

Staff Time

Where applicable, staff time to locate, retrieve and extract the information will be charged at a flat rate of £25 per hour. There will be a minimum charge of half an hour, increasing in 15 minute increments. This is to ensure that rates are deemed as reasonable and do not act as a deterrent.

If it is estimated that a request for environmental information will take more than 18 hours of staff time to answer, the Council will consider whether or not the request should be refused as "manifestly unreasonable" under EIR Regulation 12(4)(b).

VAT

No VAT will be chargeable unless indicated.

Photocopying and Postage rates (if applicable)

Current photocopying rates and postage rates can be found within the Council's fees and charges schedule at <https://www.causewaycoastandglens.gov.uk/council/access-to-information>

4.2 Other Environmental Information

The charges for other types of environmental information (such as specific environmental reports) can be found within Council's publication scheme and on Council's website.

5. Paying a Charge

5.1 EIR requests

5.1.1 Informing the requester

Where a charge is applicable, Council will inform the requester as soon as possible of the estimate for staff time to locate, retrieve, extract and supply the information. A fees quote will include:

- How much the charge will be.
- How the charge has been estimated.
- The deadline for making the payment (60 days from the date of the fees notice).

Council will also under Regulation 9, offer to provide help and assistance where possible to enable the requester to narrow down their request in order to reduce the charge.

Once the requester has confirmed in writing they wish to proceed with the request, an invoice will be issued, which will include payment methods.

5.1.2 Payment in advance

In all cases where a charge is payable, payment will be required in advance of any work to assemble and supply the information.

Payment will be required within 60 days from the date of advising the requester. Where payment is not received within this timeframe, it will be assumed that the information is no longer required and the case will be closed.

5.1.3 Request on hold

Requests will be placed "on hold" on the date that the requester is advised that a charge is applicable. The 20 working day period for responses will be restarted once payment is received.

5.2 Other Environmental Information

Council holds records relating to other types of environmental information, for example, contaminated land reports and a separate fees structure is in place for these requests. Further information is available on Council's website or from Health and Built Environment.

5.3 Payment Methods

Payment for environmental information can be made as follows:

- By calling 028 70 34 7034 or 0300 200 7830 (Planning only) and making a telephone payment.
- By visiting the Council's offices and paying at reception:
 - Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY
 - County Hall, Castlerock Road, BT51 3HS (Planning only)
 - Riada House, 14 Charles Street, Ballymoney, BT53 6DZ
 - 7 Connell Street, Limavady, BT49 0HA
- By making a cheque payable to Causeway Coast and Glens Council and posting to the address on the invoice. Note, the reference number should be written on the reverse of the cheque.