



Envirnmental Information Regulations Charging Policy Summary

This policy is a sub policy to the Freedom of Information Act policy.

This policy has been written to ensure that the council complies with its obligations and requirements under the Freedom of Information act.

This policy seeks to establish a standard set of conditions, and a framework for charging under the FOI regulations. The Policy is designed to ensure that there are clear internal arrangements for the effective management of the charging policy.

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Great Yarmouth Borough Council
Environmental Information Regulations Charging
Policy

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1.0 INTRODUCTION

This policy is a sub policy to the council's Freedom of Information Act policy.

1.1 POLICY RATIONALE

This policy has been written to ensure that the council complies with its obligations and requirements under the Freedom of Information act.

The Council is of the view that there is a need to ensure that an agreed standardised approach is being taken to charging for EIR requests, in order to ensure compliance with legal and audit requirements.

This policy seeks to establish a standard set of conditions, and a framework for charging for EIR requests within the Council.

1.2 SCOPE

This Policy will apply to all Council employees.

1.3 PRINCIPLES

The Policy is designed to ensure that there are clear internal arrangements for the effective management of charging for the release of information.

Council Policy Statement on Charging

The Council is committed to openness and will release information to individuals and organisations both routinely and in response to requests under the Environmental Information Regulations 2004 (EIR).

The Council recognises and acknowledges there must be a balance between its policy on openness and the regulatory and enforcement duties imposed upon it by legislation. Consequently the Council's charging policy has been developed with the awareness that resources which are diverted to respond to request for information under EIR does not impair the Council's duty to directly and indirectly protect, maintain and improve the environment of the borough.

2.0 ENVIRONMENTAL INFORMATION REGULATIONS CHARGING POLICY.

2.1 Introduction

The (EIR) allows public authorities, such as the Borough Council; to charge for answering requests in certain cases. This policy outlines:

- When the Council will charge fees and costs (disbursements)
- How the costs and fees will be calculated; and
- The procedures that will be followed.

In its day-to-day work the Council receives many requests from individuals and organisations for information about environmental issues. The majority of these requests require a simple enquiry and a basic answer and are dealt with promptly and without charge.

Under (EIR) the Council cannot refuse to answer queries solely on grounds of cost.

The Council does have a discretion to make a reasonable charge for providing environmental information and this is detailed in 3.1 below.

The Council can charge for disbursements such as the costs associated with photocopying, postage etc. Disbursements are detailed in 3.2 below.

Where a charge is to be made for the information requested the person requesting the information will be notified in writing in advance of the likely costs and asked whether they wish to proceed before any work is carried out to respond to the request.

Where the costs and/or the quantity of information requested may appear excessive, an Officer will contact the person or organisation making the request to discuss the enquiry in more detail to establish what can be done to reduce the costs and the Council's time in addressing it.

Where costs are to be incurred (other than solely disbursements), the Council will require payment in advance for providing the requested information. This will be requested by a "Fees Notice".

Where the actual cost of answering the request is greater than the estimated cost, the council will incur the additional cost.

Where the actual cost of answering the request is less than the estimated cost charged, the Council will refund the excess.

This document should be read in conjunction with the Councils Freedom of Information Charging Policy (available on the Councils website at www.great-yarmouth.gov.uk)

2.2 Information Provided at No Charge

The Council cannot and will not charge for allowing access to any public register or list of environmental information (although it may charge for copies as disbursements).

The Council cannot and will not charge for allowing any person to examine relevant information (at a location and time agreed by the Council)

2.3 Charging Policy

Where the time taken to assemble the requested information is estimated to be less than 30 minutes, no charge will be payable (other than disbursements).

Where the estimated time taken to assemble the requested information is considered to be more than 30 minutes but less than one hour, a charge of £25 will be made per staff member for the purposes of estimating costs regardless of seniority of staff involved.

All time after the first hour shall be charged at the flat rate of £25 per hour (or part of) per staff member regardless of the seniority of the staff involved.

2.4 Disbursements

The Council will charge for disbursements at:

- Ten pence per sheet for printing or photocopying at A4 and twenty pence per sheet for printing or photocopying at A3. Colour printing is not available. (per sheet means one side of paper).
- Full postage costs. Documents will be sent by second class mail unless specified otherwise.
- Actual costs incurred when providing information in other formats as follows, CD's at £1.00 each, Floppy discs at 50p each.

2.5 Records

The receipt and details of each request for information under EIR will be recorded. The responding departments will provide information including the time

spent answering the request, the actual staff time involved together and a breakdown of the disbursements. All actual costs incurred shall be recorded.

Each response will be accompanied by a letter from the relevant department detailing the final breakdown of costs.

2.6 Policy Review

This policy will be reviewed annually.

3.0 IMPLEMENTATION AND COMPLIANCE

3.1 IMPLEMENTATION

This policy will initially be implemented through the Chief Executive and Corporate Directors of the Council.

A memo will be sent to all employees to make them aware of the policy.

It is the responsibility of managers to ensure that new staff receive information about this Policy, and should be part of any local induction where appropriate. Human Resources will add the Policy to its list of policy issues provided to any new starters. Managers must also ensure that any changes to this policy are effectively communicated within their areas of responsibility.

All staff will undertake a yearly refresher course covering the basic principles of the Freedom of Information Act and must pass a test to show their understanding.

3.2 COMPLIANCE

Managers are responsible for ensuring that staff are aware of the location of this policy. In addition, Managers are responsible for keeping staff up to date about any changes within the policy.

All staff are obliged to adhere to this Policy.

4.0 EQUALITY IMPACT ASSESSMENT

There are no Equality Impact issues with this policy; however specific procedures used to enact the policy must be evaluated separately.

5.0 HEALTH AND SAFETY

There are no Health and Safety implications with this policy.

6.0 REFERENCE DOCUMENTS

This Policy should be read in conjunction with the following legislation, regulations and Council policies:

- Freedom of Information Act Policy
- Environmental Information Regulations Policy

7.0 DISTRIBUTION

This Policy will be available for all the Council's designated locations. Copies will also be available from the 'I' drive and on the Council's Internet and Intranet web sites.

8.0 REVIEW

This Policy will be reviewed on an annual basis with the next review date being 2011.