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<b>REPORT TO:</b>	<b>ENVIRONMENTAL &amp; DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>22 AUGUST 2013</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY &amp; PLANNING</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>TONY SYLVESTER (EXT. 5743)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CHARGES FOR ENVIRONMENTAL INFORMATION</b>	<b>REF:</b>
<b>WARD (S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: G</b>

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## **1.0 Recommendations**

- 1.1 That the fees for the provision of photocopies of environmental information held by the Council be reduced to 10 pence per A4 sheet with immediate effect. Should other printed information be required which requires larger formats then an additional charge will be made which recovers these costs.

## **2.0 Purpose of Report**

- 2.1 To approve a reduction in the level of charges made for the provision of photocopies of environmental information held by the District Council.

## **3.0 Detail**

- 3.1 The Freedom of Information Act 2000 (FOIA) came into force fully on the 1 January 2005. The Act allows any member of the general public to request from the Council any information that it may hold. With notably few exceptions, the Council will have to provide that information
- 3.2 The Environmental Information Regulations 2004 allow public authorities to charge for making environmental information available, but any such charge must be reasonable.
- 3.3 A public authority must have a published schedule of charges in order to be able to charge applicants for environmental information.
- 3.4 Environmental Information is available for inspection at the Council's office free of charge, (in accordance with paragraph 8(2)(b) of the Environmental Information Regulations 2004), each of the charges made by the Council for the provision of copies of the information fails to satisfy the requirements of Regulation 8(3).
- 3.5 In determining the actual costs of photocopying, relevant considerations will include the number and size of the sheets to be copied and the lease charge on the photocopying machine. In *David Markinson v Information Commissioner* (EA/2005/0014; 28 March

2006) the Tribunal ordered the public authority to adopt the guide price of 10p per A4 sheet as the cost of photocopying. This gives an indication of the level of charge to adopt and an authority would have to demonstrate a good reason for exceeding it. However, an authority would still have to consider the actual costs incurred in any particular case as the cost of reprographics will change over time. This case has only recently come to light.

- 3.6 Subsequently the Council will need to address the charges it levies for the provision of photocopies of information it holds.

#### **4.0 Financial Implications**

- 4.1 At present the Council is using the fees set out in the current fees and charges for the purpose of dealing with requests for photocopies of information. If the fee is reduced then obviously this would have an impact on revenue. As an approximate estimate the annual loss could amount to around £5,000.
- 4.2 The Information Tribunal's decision distinctly states that in considering the level of charges the Council should disregard any staff costs and any factors such as the Council's revenue or its staff workload.
- 4.3 Members will be aware that a lot of information, including planning applications is now available on the South Derbyshire website which is free to view and free to download which reduces the requirement for copies to be supplied.

#### **5.0 Equalities Implications**

- 5.1 This report has no implications in respect of meeting the Public Sector Equality Duty of the Equalities Act 2010.

#### **6.0 Corporate Implications**

- 6.1 If the fee is reduced this would have an impact on revenue collected by the Council.

#### **7.0 Conclusions**

- 7.1 Although the decision may have an impact on Council revenue derived from the provision of photocopied information, in order to comply with the Environmental Information Regulations 2004 the Council is required to reduce its copying charges to 10 pence per A4 sheet. Should other printed information be required which requires larger formats then an additional charge will be made which recovers these costs. The recovery of any postage costs would be unaffected.