



**Policy, Finance and
Development
Committee**

22 July 2014

Matter for Decision

Title: **Environmental Information Regulations 2004 Policy**

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1. Introduction

The Environmental Information Regulations 2004 (“EIR”) came into effect on 1 January 2005 and impose a duty on Oadby and Wigston Borough Council (“the Council”) to ensure that members of the public have access to the environmental information that it holds.

To ensure compliance with this legislation the attached Policy has been drafted.

2. Recommendations

- 1) That the Policy attached is adopted by the Policy, Finance and Development Committee for use across all the Council services.
- 2) That the scale of charges attached as appendix 1 to this report be approved for adoption and use by this Council.

3. Information

The EIR are a similar piece of legislation to the Freedom of Information Act 2000 in that it allows members of the public to access information held by the Council.

Any information held by the Council that is in written, visual, aural, electronic or other material form on matters that effect the environment falls within the scope of the EIR. The information covered by the regulations is extremely wide ranging.

Under the Policy requests for environmental information will be made to, and recorded by, the Council’s Corporate Resources Compliance Officer who will be responsible for obtaining the response from the relevant Council service area and ensure that the response is provided within the legislative timescales.

The Policy also makes clear to members of the public the time scales in which they can expect a response by, the matters which are exempt from disclosure under the regulations and how a charge may be imposed by the Council for the provision of the information sought.

The EIR permits the Council to make a charge for the provision of information provided that such a charge does not exceed an amount which the Council is satisfied is reasonable.

Detailed guidance about this is published by the Information Commissioner's Office ("ICO") which has recently been revised following an appeal heard by the Information Tribunal (East Sussex County Council v Information Commission and Property Search Group). The guidance on the legal position is that a Council is able to charge for the time taken by staff to respond to EIR requests.

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Background Papers:- None

Implications	
Financial (PL)	This will provide additional income over and above that budgeted for 2014.
Risk (KG)	CR4 – reputation damage, CR6 – Regulatory governance
Equalities (KG)	An EIA assessment has been undertaken on the policy
Legal (KG)	Compliance with the EIR is a legislative requirement. Failure to do so correctly could result in legal action taken against the Council.