

Response to Request for Information

Reference EIR 011644
Date 11 January 2016

Recycling Costs

Request:

I am enquiring about how much does recycling cost the council and what is your revenue from recycling

We have considered your Freedom of Information Request above. Under Section 39 of the Freedom of Information Act 2000, the Council are not obliged to disclose the information as it would fall under the definition of Environmental Information as set out in the Environmental Information Regulations 2004.

Section 39 of the Freedom of Information Act states the following:

- 1) Information is exempt information if the public authority holding it –
 - a. Is obliged by (environmental information regulations) to make the information available to the public in accordance with the regulations, or
 - b. Would be so obliged but for any exemptions contained in the regulations.

Therefore I am going to be considering your request for information under the Environmental Information Regulations 2004 (EIR).

Environmental Information is:

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); and

- 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)

As you are asking for information relating to recycling, this will fall within the definition of Environmental Information as set out in b) as it relates to waste.

In response to your request, the appointed waste contractor is Amey, who deliver the household waste collection service. The recycling service is a co-mingled service and collections take place on a fortnightly basis. Approximately 17,000 tonnes of co-mingled recyclates are collected each year and sent to a processing centre.

The contract with Amey requires the council to pay a monthly service charge for the whole collection service which takes in to account the disposal costs for household waste. The detailed breakdown of the service costs including gate fees is deemed commercially sensitive within the terms of the contractual arrangement with the council.

In respect of the information that has been withheld due to it being confidential and commercially sensitive, we should explain that in considering requests for information under the Environmental Information Regulations, a public authority may decide that the information requested is exempt from disclosure. This, in turn, may require the public authority to apply a public interest test to ensure it is satisfied that the public interest in withholding the information is greater than the public interest in disclosing it.

The Council considers that the information you have requested is commercially sensitive and should be withheld under the exception in Regulation 12(5)(e) where the disclosure of the information would, or would likely to, prejudice the commercial interests of any person, including the public authority holding it.

We should explain that Environmental Information Regulation 12(5)(e) permits the Council to withhold information if its disclosure would, or would be likely to, prejudice the commercial interest of any person, including the Public Authority holding it. The Council considers that to disclose the information you have requested, at this stage, would prejudice the commercial interests of the parties concerned and this information is therefore exempt from disclosure under Regulation 12(5)(e). This information is commercially sensitive to the tenderers and it is important to their competitiveness that they are able to remain as a participant in the market. With regards to the Council's commercial interest, if the Council disclosed this type of information it would adversely affect our ability to source suppliers in a competitive environment.

Where the Council decides that the information requested is exempt from disclosure under Environmental Regulation 12(5)(e), it must then apply what is known as a "public interest test". This requires the Council to decide whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing information.

In applying the public interest test the Council gave careful consideration to the arguments for and against disclosure. When considering factors which would favour disclosing the information, the Council had to assess whether disclosure of the information would:

- Allow for more informed debate on the issue;
- Promote accountability and transparency for our decisions and in our spending of public money; and
- Assist the public to understand and challenge our decisions.

Against these considerations the Council had to balance the likelihood of disclosure having an adverse affect on the commercial interest of the tenderers concerned and the Council itself.

Having taken into account the arguments for and against disclosure, the Council decided that the public interest in this case is best served by maintaining the exception and by not disclosing the information requested, at this stage. The Council considers that the possible benefits of disclosure are outweighed by the real risk of causing prejudice to the commercial interests of the tenderers concerned and the Council itself. In this case there is an overriding public interest in ensuring that companies are able to compete fairly and in ensuring there is competition for public sector contracts.