



MERSEYSIDE WASTE DISPOSAL AUTHORITY

Merseyside Waste Disposal Authority

Publication Scheme

**Freedom of Information Act 2000
and 2005 (FOI)**

**Guidance on Environmental
Information Regulations (EIRs)**

Revised: June 2008

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1. Responsible officer and contact information

(i) This is the **MERSEYSIDE WASTE DISPOSAL AUTHORITY** Publication Scheme that covers the Merseyside area. The full title and address for sending any documents is:

Merseyside Waste Disposal Authority
 6th Floor, North House
 17 North John Street
 Liverpool
 L2 5QY
 Telephone: 0151 255 1444 Fax: 0151 227 1848
 E-mail: enquiries@merseysidewda.gov.uk
 Web address: www.merseysidewda.gov.uk

(ii) The Senior Officer responsible for the maintenance of this scheme is:
Carl Beer, Director of the Waste Disposal Authority

2. Introduction: what a publication scheme is and why it has been developed

(i) One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities should be clear and proactive about the information they will make public. To do this they must produce a Publication Scheme, setting out:

- The classes of information that they publish or intend to publish;
- The manner in which the information will be published; and
- Whether the information is available free of charge or on payment.

(ii) The Authority's Publication Scheme consists of information already published and held by the Authority or information that is to be published in the future. That means that all information in the Publication Scheme is either available for the public on the Authority's website to download and print off or available in traditional document form. Information within the Publication Scheme will be available either free or at a charge – the Authority will explain which is free or which will be provided at a charge later in this document. Details of the Authority's Charging Policy and levels of charges are available upon request.

(iv) Some information that the Authority holds may not be made public, for example, information about national security or court records.

(v) In addition to the Freedom of information Act, the Environmental Information Regulations (EIRs) 2004 are based on Directive 2003/4/EEC. They give the public access rights to environmental information held by a public authority in response to requests. The Regulations came into force on 1 January 2005 along with the Freedom of Information Act and cover any

information that is considered to be 'environmental information' within the terms of the Regulations.

The Regulations promote the release of as much environmental information as possible to enable increased public participation in environmental decision making. Guidance on applying for information under EIRs is supplied in Appendix One of this Scheme (*source: DEFRA website June 2008*)

3. Classes of information published by the Authority

(i) The Publication Scheme guides the public to information which the Authority currently publishes (or has recently published) or which the Authority will publish in the future. This is split into 'classes' of information.

(ii) The 'classes' of information currently published are contained in section 5 of this Scheme. Set out in the same section are details of how the information is or will be published and whether any fees are charged for information contained in the Publication Scheme.

(iii) The classes in the Scheme are based on the Authority's functional activities. Under each heading there is a list of the information that the Authority publishes which relates to that activity.

(iv) For example, information under the heading of 'Personnel' includes recruitment, Human Resources policies and so on.

4. What we do: the functions of Merseyside Waste Disposal Authority

(i) The Authority is responsible for carrying out the duties required by the Environmental Protection Act 1990. These include:

- Making arrangements for the disposal of household and commercial waste collected by the District Councils (Waste Collection Authorities) of Merseyside.
- Providing Household Waste Recycling Centres (Civic Amenity Sites) in the Merseyside area where local residents may dispose and recycle their household waste free of charge.

(ii) The Authority sets its annual budget and the cost of carrying out its duties is met by way of a levy on each of the Merseyside District Councils.

(iii) The Authority also carries out other functions, such as the development and implementation of the Joint Municipal Waste Management Strategy for Merseyside, and the restoration of its former landfill sites.

(iv) The Authority was established in April 1986 following local government reorganisation and is controlled by a board of nine elected Members (councillors) representing the five District Councils of Merseyside. Representative Members of each Council sit on the Authority as follows:

Knowsley Metropolitan Borough Council	1 Member
Liverpool City Council	3 Members
St Helens Metropolitan Borough Council	1 Member
Sefton Metropolitan Borough Council	2 Members
Metropolitan Borough of Wirral	2 Members

5. Classes of Information currently published under the Publication Scheme

Class	Sub-Heading	Format of Information	Availability & Cost
Operational **	Procedural Manuals	Internal Documents – paper/ electronically	Corporate Services Manager Cost - Free
	Service Information (e.g. location and opening times of Household Waste Recycling Centres)	Document - paper/electronically or via Authority website www.merseysidewda.gov.uk	Corporate Services Manager Cost - Free
	Recycling Information	Document –paper/ electronically or via the Authority website www.merseysidewda.gov.uk	Recycling Officer Cost - Free
Landfill	Environmental Monitoring Reports	Authority Reports – paper/electronically or via Authority website www.merseysidewda.gov.uk	Environmental and Planning Manager Local Libraries Cost - Free
	Closed Landfill Site Searches	Documents – paper/electronically	Environmental and Planning Manager Cost - Chargeable

Personnel *	Recruitment	Application Forms – paper/electronically or via Authority website www.merseysidewda.gov.uk	Assistant Corporate Services Manager Cost – Free
	Local Conditions	Internal Documents - paper/electronically	
	Staff Development Scheme	Document - paper/electronically	
	HR Policies and Procedures <ul style="list-style-type: none"> • Equal Opportunities Policy • Health and Safety Policy • Disciplinary Procedure • Capability Procedure • Sickness Absence Procedure, Grievance Procedure • Violence at Work Policy • Recruitment, Retention and Selection Policy • Family Friendly Policy • Whistleblowing Policy 	Documents - paper/electronically	
Strategic Planning **	Best Value Performance Plan	Printed document or via Authority's website www.merseysidewda.gov.uk	Corporate Services Manager Local Libraries Cost – Free
	Corporate Plan	Document- paper/electronically Authority Reports or via Authority's website www.merseysidewda.gov.uk	

	Joint Municipal Waste Management Strategy for Merseyside and supporting documents	Documents - paper/electronically or via the Authority's website www.merseysidewda.gov.uk	Waste Strategy Manager Local Libraries Cost – Free
	Procurement Strategy *	Documents - paper/electronically	Contracts Manager Cost - Free
	Performance Management Framework	Documents - paper/electronically	Corporate Services Manager Cost – Free
	Anti Fraud and Corruption Strategy	Documents - paper/electronically	Corporate Services Manager Cost – Free
	Organisational Chart	Documents - paper/electronically	Corporate Services Manager Cost – Free
Committees and Partnerships *	Merseyside Waste Disposal Authority	Agendas Public Reports Minutes All paper/electronically or via the Authority's website www.merseysidewda.gov.uk	Corporate Services Manager Local Libraries Cost - Free

	Citizens Jury Meetings	Agendas Minutes All paper/electronically	Environmental and Planning Manager Cost - Free
Policies and Procedures	Procedural Rules	Document - paper/electronically	Corporate Services Manager Cost - Free
	Financial Procedural Rules	Document - paper/electronically	
	Contract Procedural Rules	Document - paper/electronically	
	Scheme of Delegations to Officers	Document - paper/electronically	
	Code of Conduct for Officers	Document - paper/electronically	
	Comments and Complaints Procedure	Document - paper/electronically or via the Authority's website www.merseysidewda.gov.uk	
	Charging for Information Policy	Document - paper/electronically	
	Customer Care Policy	Document – paper/electronically or via the Authority's www.merseysidewda.gov.uk	Corporate Services Manager Cost – Free
	Merseyside Waste Disposal Authority's Code of Corporate Governance	Document – paper/electronically or via the Authority's www.merseysidewda.gov.uk	Corporate Services Manager Cost – Free

	Risk Management Strategy	Document – paper/electronically or via the Authority's www.merseysidewda.gov.uk	Corporate Services Manager Cost – Free
	Member/Officer Protocol	Document – paper/electronically	Corporate Services Manager Cost – Free
	Decision Making Process	Document – paper/electronically	
	Members Allowances	Document – paper/electronically	Corporate Services Manager Cost – Free
	Register of Gifts and Hospitality	Document – paper/electronically	Corporate Services Manager Cost – Free
	Scheme of Delegation	Document – paper/electronically	Corporate Services Manager Cost – Free
Budgets **	Annual Budget	Authority Report	Business Support Manager
	Budget Monitoring Statements	Authority Report	Local Libraries Cost – Free

	Annual Statement of Accounts	Document Authority Report	Business Support Manager Cost - Free
Performance **	Best Value Performance Plan	Brochure www.merseysidewda.gov.uk	Corporate Services Manager Local Libraries Cost - Free
	Best Value Reviews/Programme	Documents www.merseysidewda.gov.uk	Corporate Services Manager Cost - Free
	Budget Monitoring Reports	Authority Reports Document – paper/electronically	Corporate Services Manager Local Libraries Cost – Free
	Performance Indicators and Statistics	Authority Reports Tables Document – paper/electronically	Corporate Services Manager Cost - Free

	Audit Reports	Authority Reports Document – paper/electronically or via the Authority’s website www.merseysidewda.gov.uk	Corporate Services Manager Local Libraries Cost – Free
Promotional Materials **	Advice and guidance on a number of services e.g. composting, recycling, hazardous substances etc	Document - paper/electronically or via the Authority’s website www.merseysidewda.gov.uk	Corporate Services Manager Cost – Free
	List of Household Waste Recycling Centres	Document - paper/electronically or via the Authority’s website www.merseysidewda.gov.uk	
	Newsletters	Document - paper/electronically or via the Authority’s website www.merseysidewda.gov.uk	
	Press Releases	Document - paper/electronically or via the Authority’s website www.merseysidewda.gov.uk	
	Adverts and announcements	Document - paper/electronically or via the Authority’s website www.merseysidewda.gov.uk	
Existing Waste Contract information (existing waste contracts up to 2009) * and **	Contract with Mersey Waste Holdings Ltd	Document – paper/electronically	Contracts Manager Local Libraries Cost - Free
	Contract Monitoring Reports	Authority Reports – paper/electronically or via Authority website www.merseysidewda.gov.uk	

Future Waste Contracts and Waste Procurement information (new waste contracts from 2009 onwards) * and **	Official Journal of the European Union Notices, Outline Business Case, Pre-Qualification Questionnaire, Descriptive Document, Lists of Qualified Bidders, Contract Award Decision, Procurement Strategy Documents	Document – paper electronically	Contracts Manager Cost - Free
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*** some information might be confidential or exempt from publication by law**

**** Information is available on our website: Merseyside Waste Disposal Authority maintains a website at www.merseysidewda.gov.uk and has an ongoing commitment to make as much information available on our website as possible.**

6. Other useful website addresses

The information you are looking for may also be available from the following organisations or on their websites. The websites listed below are an excellent source of information and if the documents are downloaded or printed off by the enquirer they provide a quick response at little cost.

However, the Authority takes no responsibility nor warrants the accuracy of information contained on the following sites:

- Knowsley MBC – www.knowsley.gov.uk
- Liverpool CC – www.liverpool.gov.uk
- St Helens MBC – www.sthelens.gov.uk
- Sefton MBC – www.sefton.gov.uk
- Wirral MBC – www.wirral.gov.uk
- The Environment Agency – www.environment-agency.gov.uk
- Department of Communities and Local Government-
www.communities.gov.uk
- Department for the Environment, Food and Rural Affairs –
www.defra.gov.uk
- UK Online Government – www.ukonline.gov.uk
- Local Government Association (LGA) - www.lga.gov.uk

7. Making an application for other Information to the Authority

As well as being able to access information which is publicly available under the Publication Scheme we will answer queries under the existing Code of Practice on Access to Government Information. This allows you to write and ask us to supply you with specific information.

You can also apply for a copy of the personal data we hold about you under the Data Protection Act 1998 - that is information relating to an applicant that has arisen through their employment with the Authority or information obtained about an individual through the Authority's statutory functions.

8. Applications for information after January 2005 under FOIA

After January 2005 you will be able to ask the Authority for information which is not already published elsewhere nor exempt under the FOIA. Under the FOIA you will have the right to ask for information to be provided in a particular way and we will try to meet your request. You will be able to ask for assistance if you have any difficulty in formulating or making an application by contacting the Authority directly. We will help you as much as possible but we are not required to look for the information you request unless we have:

- a clear and understandable request with enough detail to locate the information;
- your name and address so we can respond to your request; and

- an indication about the form in which you want the information. This will ensure that your application is dealt with as quickly as possible. You should give as much detail as you can in order to assist us in locating the information that you require.

Some documents may include exempt information so you will only get the information which is not exempt. You only have a right to information and not necessarily to documents. Some documents may include exempt information so you will only get the information from them which is not exempt.

Any fee charged will be in accordance with the Authority's Charging for Information Policy and calculated by looking at the costs directly and reasonably incurred locating the information you have asked for and giving it to you. You will then be sent a 'fees notice' which you will have to pay within three months of your request – you will not receive information until you have paid the costs in the fees notice.

If the estimated cost of providing the information would be above the appropriate limit set by the government then we will not be under a duty to provide the information. However, the Authority will inform you if the limit will be exceeded and we will try to let you know what can be provided within the limit. Despite not being obliged to provide information which exceeds the limit, the Authority will still be under a duty to advise and assist.

In order to protect the Authority there will be rules which govern multiple applications for information which are clearly trying to avoid the financial limits set by the government. However, we will try to help you as much as possible to get the information you want.

9. Complaints and Feedback

If you want to make any comments about this publication scheme or if you require further assistance or need to make a complaint then initially this should be addressed to the Authority at:

Merseyside Waste Disposal Authority
6th Floor, North House
17 North John Street
Liverpool
L2 5QY

Telephone: 0151 255 1444
Fax: 0151 227 1848
E-mail: enquiries@merseysidewda.gov.uk

A copy of the Authority's Comments and Complaints Procedure is also available from the above address upon request.

If you are not satisfied with the assistance that you get from the Authority or if we have not been able to resolve your complaint and you feel that a formal

complaint needs to be made then this should be addressed to the office of the Information Commissioner. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Or Enquiry/Information Line: 01625 545 745
Email: data@dataprotection.gov.uk.

This document can be made available in large print, Braille and audio tape and in other languages. Please contact:

Merseyside Waste Disposal Authority
6th Floor, North House
17 North John Street
Liverpool
L2 5QY

Telephone: 0151 255 1444
Fax: 0151 227 1848
Email: enquiries@merseysidewda.gov.uk

Appendix One

Guidance for using the Environmental Information Regulations

1. Overview

- (i) The Environmental Information Regulations (EIRs) 2004 are based on Directive 2003/4/EEC. They give the public access rights to environmental information held by a public authority in response to requests.
- (ii) The Regulations came into force on 1 January 2005 along with the Freedom of Information Act and cover any information that is considered to be 'environmental information' within the terms of the Regulations.
- (iii) The Regulations promote the release of as much environmental information as possible to enable increased public participation in environmental decision making.

2. What is environmental information?

- (i) The definition of environmental information in the EIRs is very wide and includes information which may not be considered environmental at first glance.
- (ii) Any information in written, visual, aural, electronic or any other material form on:
 - 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;
 - 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);
 - 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;
 - reports on the implementation of environmental legislation;
 - cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

- 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).

3. Who is covered by the Environmental Information Regulations ?

All bodies meeting the definition of a public authority as set out in Regulation 2(2) of the EIRs are covered by the EIRs.

The full definition as given in the Regulations is as follows:

Subject to paragraph (3), "public authority" means -

- a. government departments;
- b. any other public authority as defined in section 3(1) of the Act, disregarding for this purpose the exceptions in paragraph 6 of Schedule 1 to the Act, but excluding -
 - (i) any body or office-holder listed in Schedule 1 to the Act only in relation to information of a specified description; or
 - (ii) any person designated by Order under section 5 of the Act;
- c. any other body or other person, that carries out functions of public administration; or
- d. any other body or other person, that is under the control of a person falling within sub-paragraphs (a), (b) or (c) and -
 - (i) has public responsibilities relating to the environment;
 - (ii) exercises functions of a public nature relating to the environment; or
 - (iii) provides public services relating to the environment.
- e. Except as provided by regulation 12(10) a Scottish public authority is not a "public authority" for the purpose of these Regulations.

4. Exceptions to the release of Information

The Environmental Information Regulations give the general public a right to environmental information held by a public authority.

There is a presumption under the Regulations that environmental information must be released, unless there are reasons to withhold it.

Regulation 12 lists the exceptions under which a public authority can refuse to disclose information. All the exceptions are subject to a public interest test. Those weighing the public interest of whether to release or withhold information should interpret the exceptions very carefully, seeking legal advice where appropriate.

A request for information can be refused (or part of the information withheld) if:

- Information is not held (then there is a duty to refer the request on)
- The request is manifestly unreasonable
- The request is too general (after fulfilling duty to advise and assist)
- The request is for unfinished documents or data (in which case estimated time for completion must be given)
- The request is for internal communications

A public authority may also refuse to disclose information or withhold part of it in order to protect the following:

- Confidentiality of proceedings
- International relations / public security / defence
- The course of justice and right to fair trial
- Commercial confidentiality
- Intellectual property rights
- Personal / voluntary data
- Environmental protection
- If information relates to emissions, a public authority cannot refuse to disclose it on grounds of confidentiality of proceedings, commercial confidentiality, personal/ voluntary data or environmental protection.

5. Clarification in relation to the 'holding information' term

The EIR definition of holding information is different from that in FOI. Under the EIRs the public authority holds information if the information is in the authority's possession and has been produced **or received by** the authority **or if it is held by another person on behalf of the authority**. This definition goes wider than that of FOI as shown by the wording in bold.

The full definition given in the Regulations is as follows:

Application

- a. Subject to paragraphs (3) and (4), these Regulations apply to public authorities.
- b. For the purposes of these Regulations, environmental information is held by a public authority if the information:

- (i) is in the authority's possession and has been produced or received by the authority; or
- (ii) is held by another person on behalf of the authority.

6. How to apply for information in relation to EIRs

Information can be requested in the following formats:

<p>Verbally to the Authority – via phone or in person</p> <p>Tel: 0151 255 1444 or by calling at 6th Floor, North House, 17 North John Street, Liverpool, L2 5QY</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>
<p>In writing to the Authority</p> <p>By writing to the Authority at: 6th Floor, North House, 17 North John Street, Liverpool, L2 5QY</p> <p>Please mark request: Request for Information in relation to EIRs</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>
<p>By email to the Authority</p> <p>By emailing the Authority at: Enquiries@merseysidewda.gov.uk</p> <p>Please mark request: Request for Information in relation to EIRs</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>
<p>By fax to the Authority</p> <p>By faxing the Authority at:</p> <p>Fax: 0151 227 1848</p> <p>Please mark request: Request for Information in relation to EIRs</p>	<p>The Authority will accurately record the details of the request in accordance with its response system for EIRs and acknowledge the request in writing or via email.</p>

7. Timescales for response

The timescales for response to EIRs requests are:

Initial request for information	Response needed within 20 working days
If request if large or voluminous	Response time may be extended to 40 days. The Authority must write to notify the applicant of the time

	extension within the first 20 days.
If a charge is requested for the provision of information	Response timescale will be suspended until the payment is received. The information does not have to be provided unless the fee is paid within 60 working days of the request for payment
If the request is formulated in too general a manner you should ask	the applicant to provide more details in relation to the request and the Authority will assist the applicant to do this. This should be done as soon as possible and certainly within the 20 day period. When further details and/or clarification is received, a new 20 day time period for provision of the information starts on the day after the further particulars are received