

## Response to Request for Information

Reference EIR 000282  
Date 13 May 2019

### ***New Green Waste Collection Service***

#### **Request:**

Under the Freedom of Information Act can you please provide me with the following information to do with the new green waste collection service:

1. The total revenue collected so far? (As the scheme has gone into May of this year can I have the last financial year and this one - so far)  
[£1,104,408 \(£892,083 of which was collected in 18/19 financial year\).](#)
2. The running costs of the scheme? (As the scheme has gone into May of this year can I have the last financial year and this one - so far)  
[Unknown until a full year's service has been delivered](#)
3. The total number of households who have chosen to be involved in the scheme?  
[32,634](#)
4. The cost of the hire vehicles used to bring the purple bins to residents? (Can I have that data per van, the most expensive van and the total) b) How many vans have you hired?  
[In response to part a\) of your question we can confirm your request for information has now been considered and unfortunately, it is not possible to meet your request in full. In accordance with Regulation 14\(1\) of the Environmental Information Regulations \(EIR\), this acts as a Refusal Notice.](#)

[The information you have requested is excepted from disclosure in accordance with:](#)

- [Regulation 12\(5\)\(e\) Confidentiality of commercial information](#)
- [Regulation 12\(5\)\(f\) Interests of the person who supplied information](#)

[Information that you have requested has been withheld for the reasons explained below. Where information has been withheld it's because one or more exceptions has been applied.](#)

## Confidentiality of Commercial Information

Regulation 12(5)(e) provides:

- (5) For the purposes of paragraph 1(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect-
- (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

This is a qualified exception under the EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exception. The public interest means what is in the best interests of the public, not what is of interest to the public.

## R12(5)(f)

Interests of the person who supplied information

Regulation 12(5)(f) provides:

- (5) For the purposes of paragraph 1(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect-
- (f) the interests of the person who provided the information where that person:
    - (i) was not under, and could not have been put under any legal obligation to supply it to that or any other public authority;
    - (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and
    - (iii) has not consented to its disclosure

This is also a qualified exception under the EIR relating to the need to consider the public interest in disclosing the information sought, in the same way as applies under R12(5)(e).

The Council has determined that:

- (i) the Withheld Information relates to sensitive commercial information submitted on a confidential basis by the applicant;
- (ii) the party submitting the Withheld Information was not under a legal obligation to supply the Withheld Information and did not supply it in circumstances that would entitle the Council to disclose it other than pursuant to the EIR;
- (iii) the party submitting the Withheld Information to the Council has not consented to its disclosure; and
- (iv) disclosure of the Withheld Information would, or would be likely to, adversely affect the confidentiality of commercial information where that confidentiality (arising from the circumstances of its submission to the Council) protects legitimate economic interests.

## Public interest test considerations

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.

When considering public interest for and against disclosure of this requested information, the Council considers that the public interest in withholding the information from disclosure to the wider world outweighs the public interest in disclosure. The reason for this is by releasing the information it would be potentially damaging to the business of the supplier to share their pricing with third parties and would likely prejudice the commercial interest of the parties concerned. The Council considers that it would not be in the public interest to release this information as it is likely to be damaging to the business of the supplier. It might also have a negative impact on fair competition in future tender processes and that it is not common knowledge and would likely be used by competitors in a particular market to gain a competitive advantage. The Council also considers that disclosure of such information would be damaging to the Council's commercial interest as it would be likely to:

- (a) discourage companies/individuals from providing the Council with commercially sensitive information in the future or undertaking contracts with the Council;
- (b) adversely affect the Council's bargaining position during future contractual negotiations.

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 exemption 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.

- b) 8 vehicles have been hired to assist with the delivery of purple bins

5. The total cost of advertising the scheme? b) What the money went on (eg wrap around on bin lorries) and the cost breakdown?
- a) £2644.29
  - b) £250 – adverts in the Express & Star  
£2394.29 – vehicle wrap