

Folkestone Harbour Company Fees Guidance

Application of the Environmental Information Regulations to the Folkestone Harbour Company

The Folkestone Harbour Company (FHC) is considered a statutory port and therefore some of its activities fall within the scope of the Environmental Information Regulations 2004 (EIRs).

Subject to any other statutory provisions relating to disclosure of information, release of environmental information relating to our functions which are outside the scope of the EIRs is subject to our discretion.

Where we are required by other legislation to provide information in a particular form or language at no additional cost, for example on audio tape to comply with the Disability Discrimination Act 1995, we would accordingly make no charge for providing the information in this way.

Copyright

The Environmental Information Regulations 2004 do not give you a right to re-use the information or publication in a way that would infringe copyright, for example, by making copies, publishing and issuing copies to the public or any other person. Brief extracts may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988

(section 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting, subject to an acknowledgement of the copyright owner.

Where we do charge

With regard to other ways of communicating the information, in doing so our EIRs Fees Guidance is our guide as to what fees we may charge. When making information available other than by inspection, we are allowed to make a charge which is “a reasonable amount”.

What are our charges for preparation costs?

The ‘preparation costs’ are these costs which result to us from:

- Determining whether we hold the information requested by you.
- Locating and retrieving the information.
- Extracting the information from a document containing it and including the time taken to summarise information, or to edit information.

The FHC charges a rate of £25 per hour of employee time spent on a request but will not ask for payment if the information is held by them in a readily available form.

Concessions

In addition, the FHC reserves the right to waive all or part of a charge for environmental information where we believe this will help the local community obtain the information it needs; for example, educational uses, disadvantaged users, and projects being carried out by

other organisations to the benefit of the town. We would ask that where your request is for the benefit of the community you contact us outside of the EIR and we will endeavour to help you.

What are our charges for disbursement costs?

The 'disbursement costs' are the costs associated with communicating the information to you, e.g. of printing out or photocopying the information, or transferring the information to whatever format is requested, and of sending it to you.

These charges (including postage and packing) for various ways of communicating the information to you are as follows:

Copying or Printing out (black & white)

A4 sheet 10p

A3 sheet 50p

Copying or Printing out (colour)

A4 40p

A3 £1.00

Converting to electronic format (including downloading to a USB stick/CD)

Depends on costs charged to the FHC

Charges for defined services

Copies of Bathymetric Survey £20 per copy

Should you wish to receive the information in any other format, we will provide a fee on request.

Please note, too, that the fee charged for any information that is provided in accordance with our Publication Scheme is also subject to VAT.

VAT

The Government's rules with regard to the charging of VAT are as follows:

- If we are asked for information, and the information is only available from us or a public authority, any fees charged will not attract VAT.
- If we are asked for information that is available from another source, any fees will attract VAT.

Payment

If we consider that a charge is appropriate, we will notify you in a **Fees Notice**. In most circumstances we are required to comply with your request for information within 20 working days from the first working day following receipt of your request. However, the time which passes from the day we issue a Fees Notice to the day we receive your payment is not counted towards the 20 working days. The remaining number of working days in which to fulfil your request is therefore calculated from the first working day after we receive your payment. If after 60 working days we have not received payment from you, then your request lapses. Please note that a working day is defined as between 9am and 5pm. Should a request be received outside of these hours, the twenty days will begin on the next working day.

Review of costs

We reserve the right to keep under review our rates of calculating our costs. We will endeavour to keep our costs reasonable, in order to assist public access to information in accordance with the spirit of the EIRs.